



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

**BARRIER FREE DESIGN BOARD  
BUREAU OF CONSTRUCTION CODES**

Conference Room 3  
2501 Woodlake Circle  
Okemos, Michigan 48864

**AGENDA**

May 16, 2008  
9:30 a.m.

1. Call to Order and Determination of Quorum
2. Modifications to Agenda (Pages 1-2)
3. Approval of Minutes – March 21, 2008 (Pages 3-7)
4. Exception Applications
  - 01) 73935 Wash Zone Car Wash – Wayne (Pages 8-16)
  - 02) 73941 East Grand Rapids High School – Kent (Pages 17-28)
  - 03) 76663 Stone Ridge of Shelby South – Macomb (Pages 29-37)
  - 04) 76689 Jandron Custom Home Builders LLC – Marquette (Pages 38-81)
  - 05) 77090 Detroit Metropolitan Airport – Wayne (Pages 82-88)
  - 06) 77097 Front Row Tavern – Lapeer (Pages 1-22)
  - 07) 77502 Counseling Center PC, The – Allegan (Pages 23-35)
  - 08) 77777 Eagle Creek Condominiums – Macomb (Pages 36-51)

5. Remands

No remands received for further board action.

## **Barrier Free Design Board Meeting Agenda**

**Page 2**

**May 16, 2008**

### **6. Other Business**

39851, BFD-04-50041, Ambleside Community School – Wayne (Pages 52-62)

### **7. Staff Report**

### **8. Public Comment**

### **9. Next Meeting**

July 18, 2008

### **10. Adjournment**

“The meeting site is accessible, including handicapped parking. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional accommodations in order to participate in the meeting should contact Margarita Torres at (517) 241-9328 at least 10 working days before the event.”



JENNIFER M. GRANHOLM  
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**BARRIER FREE DESIGN BOARD**  
**DEPARTMENT OF LABOR AND ECONOMIC GROWTH**  
**BUREAU OF CONSTRUCTION CODES**  
Conference Room 3  
2501 Woodlake Circle  
Okemos, Michigan 48864

**MINUTES**  
March 21, 2008  
9:30 a.m.

**MEMBERS PRESENT**

Mr. Jack Edington, Chair  
Mr. Richard Brunvand  
Mr. Daryl Domke  
Mr. Roger Donaldson  
Mr. Donald Link

**MEMBERS ABSENT**

Mr. James Bogie  
Mr. Joseph Shelton

**MICHIGAN DEPARTMENT OF LABOR & ECONOMIC GROWTH PERSONNEL**  
**ATTENDING**

Mr. Irvin J. Poke, Chief, Plan Review Division  
Mr. Todd Cordill, Assistant Chief, Plan Review Division  
Ms. Usha Menon, Plan Reviewer, Plan Review Division  
Ms. Margarita Torres, BFD Secretary, Plan Review Division

*Providing for Michigan's Safety in the Built Environment*  
PLAN REVIEW DIVISION  
BUREAU OF CONSTRUCTION CODES  
P.O. BOX 30254 • LANSING, MICHIGAN 48909  
Telephone (517) 241-9328 • Fax (517) 241-9308  
[www.michigan.gov](http://www.michigan.gov)

**OTHERS IN ATTENDANCE**

Mr. Robert Mayer  
Mr. James Smoker  
Mr. Mohinder Singh  
Mr. Daljit Singh

**1. CALL TO ORDER AND DETERMINATION OF QUORUM**

The meeting was called to order at 9:30 a.m. by Chairperson Edington. A quorum was determined present at that time.

**2. MODIFICATIONS TO AGENDA**

76738; Ryan Elementary School in Branch County was added to the agenda.

**3. APPROVAL OF MINUTES**

A **MOTION** was made by Board Member Brunvand and supported by Board Member Donaldson to approve the minutes of the January 18, 2008 Board Meeting. **MOTION CARRIED.**

**4. TABLED ITEMS**

None

**5. EXCEPTION APPLICATIONS**

- 01) 74266 Providence MOB Neuro Institute - Oakland
- 02) 74333 Enterprise Financial - Wayne
- 03) 74954 Marion Crouse Instructional Centre – Genesee
- 04) 75029 Springport Middle School - Jackson
- 05) 75112 Amcor PET Packaging - Washtenaw
- 06) 75229 Historic Mill Creek State Park – Cheboygan
- 08) 75479 Gratiot Medical Center – Gratiot
- 10) 76110 Troxcel – Calhoun

- 11) 76442 The River - Oakland
- 12) 76460 Grand Landing – Ottawa
- 13) 76461 Singh Sabha of Michigan – Wayne

A **MOTION** was made by Board Member Link and supported by Board Member Domke to adopt the reports of the Administrative Law Judge and the recommended decisions for the cases listed above. The board acknowledged the receipt of all materials submitted by the applicants. **MOTION CARRIED.**

- 7) 75254, Brandon Veterinary Clinic – Gratiot

The Board adopted the report of the Administrative Law Judge and concurs with the Findings of Fact; however, the Board does not concur with the Conclusions of Law and Recommended Decision. The Board does not agree that the duplicate facility is easily available since the route to the accessible toilet has to pass through the reception area, lab/pharmacy and the treatment room. Cost of compliance is not considered as a compelling need since it is a self created issue. Therefore, it is the order of the Board to reverse the Recommendation Decision and deny relief from the 2003 MBC, Section 1109.2 for providing accessible toilet facilities in the toilet room adjacent to the waiting area. **MOTION CARRIED.**

- 9) 75866, Wellington Willows – Wayne

A **MOTION** was made by Board Member Link and supported by Board Member Donaldson to adopt the report of the Administrative Law Judge and the recommended decision. However, the applicant shall submit a floor plan complying with Type A dwelling unit requirements to the local building official and the Bureau of Construction Codes Plan Review Division. The applicant shall advertise the availability of the Type A dwelling unit in all literature as well as verbally in discussions with a prospective buyer. **MOTION CARRIED.**

14) 76738, Ryan Elementary School - Branch

The Barrier Free Design Board reviewed the report of the Administrative Law Judge dated March 14, 2008. All supplemental materials received before the Board meeting were reviewed and copies sent to all parties. The Board adopted the report of the Administrative Law Judge. The Board concurs with the Conclusions of Law and Recommendation. However, the Board finds the applicant did not receive the notice timely, based on evidence that the notice was misdirected by the US Postal Service and received after the date of the hearing. All supplemental materials were reviewed and accepted. The Board remanded this exception request back to the Administrative Law Judge to schedule another hearing. **MOTION CARRIED.**

6. REMANDS

No remands were received for further board action.

7. OTHER BUSINESS

None

8. STAFF REPORT

Mr. Poke reported on the following:

The Michigan Building, Residential and Rehabilitation Codes will be filed with the Secretary of State for an August 1<sup>st</sup> effective date.

09. PUBLIC COMMENT

Mr. Robert Mayer thanked the Board for reviewing the Ryan Elementary School project.

10. NEXT MEETING

May 16, 2008

**11. ADJOURNMENT**

Chairperson Edington adjourned the meeting at approximately 11:15 a.m.

Approved: \_\_\_\_\_  
Jack Edington, Chairperson

Date: \_\_\_\_\_

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

In the matter of

Wash Zone Car Wash  
15065 Sheldon Road  
Plymouth, MI,  
Applicant

Docket No. 2008-200

Agency No. 73935

Agency: Bureau of Construction  
Codes

Case Type: Barrier Free Design  
Exception Request

Issued and entered  
this 13th day of March 2008  
by J. Andre Friedlis  
Administrative Law Judge

**REPORT OF THE ADMINISTRATIVE LAW JUDGE**

**PROCEDURAL HISTORY**

This is a proceeding held pursuant to the authority granted in Section 5 of 1966 PA 1, as amended, MCL 125.1351 *et seq*; 1972 PA 230, as amended MCL 125.1501 *et seq*; and 1969 PA 306, as amended, MCL 24.101 *et seq*.

The purpose of this review is to examine an application for exception from requirements contained in the Barrier Free Design Rules of the State Construction Code. A hearing was held on March 10, 2008. Present were: Nathan St. Dennis, Project Manager; Tim Zawodny, Architect, representing the Applicant; and Usha Menon on behalf of the Bureau of Construction Code's Plan Review Division.

**ISSUE**

Should the Applicant be granted an exception from Section 1104.1 of the 2003 Michigan Building Code (MBC)?



### **FINDINGS OF FACT**

The Applicant operates a car wash facility. A building permit was issued in June or August 2007 and the project was completed in May 2007. Customers drive their cars into automatic wash enclosures after making the proper payment. Customers do not leave their vehicles.

Up to two employees work at the facility helping customers use the payment devices, performing prewash cleaning, adjusting the equipment, replenishing the soap dispensers, and related activities. Employees monitor wash activities with computers in the office.

There is a parking lot with 8 spaces including a barrier free designated space, 200 to 250 feet from the office. In order to access the office from this parking lot, one must step over a 6 inch curb located 15 to 20 feet from the office. A ramp over this curb would restrict water flow and potentially cause slippery conditions during the winter. The parking lot is used by employees and any customer having a problem with a wash operation.

The Applicant proposes installing a sign at the barrier free space to direct a customer needing assistance to sound their horn. In this way an employee will assist without the need for the customer approaching the office. There is no need for any customer to come to the office.

### **CONCLUSIONS OF LAW**

Act 1 of the Public Acts of 1966, as amended, states that the barrier free design requirements were created "to provide for the accessibility and utilization by physically limited persons of public facilities and facilities used by the public." The Barrier Free Design Board is authorized by the Act to grant or deny requests for exceptions to any

or all of the barrier free design requirements for a stated time period and upon stated conditions, and require alternatives when exceptions are granted.

An exception request is granted only when the Applicant demonstrates compelling need. The Applicant has the ultimate burden of proving that an exception should be granted. An exception is a special license to deviate from rules that have uniform applicability to all facilities. Compelling need may be present if the literal application of a specific barrier free design requirement would result in exceptional, practical difficulty to the Applicant or where compliance would not be economically, technologically, structurally, or administratively feasible.

**Section 1104.1 addresses site arrival points in the following manner:**

Accessible routes within the site shall be provided from public transportation stops, accessible parking and accessible passenger loading zones and public streets or sidewalks to the accessible building entrance served.

**Exception:** An accessible route shall not be required between site arrival points and the building or facility entrance if the only means of access between them is a vehicular way not providing for pedestrian access.

The Applicant has presented compelling need based on operational needs to justify an exception with limitations. All employees must be fully mobile to climb around the equipment. Customers will not leave their vehicles to come to the office. But when something goes wrong with the wash operation, a customer may wish to discuss the matter with an employee. In this situation, a customer may park in the parking lot and approach the office. This customer will need to climb over the 6 inch curb.

A ramp over this curb will interfere with water drainage and would be slippery in winter.

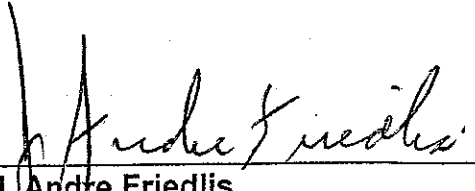
A better solution would be for the Applicant to install signs at each parking space directing customers to sound their horns for assistance or to provide a space adjacent to the office for this purpose. These signs would direct all customers to stay in their vehicles and sound their horns for assistance.

**RECOMMENDED DECISION**

I recommend the Board grant the Applicant an exception from Section 1104.1 of the Michigan Building Code 2003 provided the Applicant installs signs as directed by the Board advising all customers to stay in their cars and sound their horns for assistance.

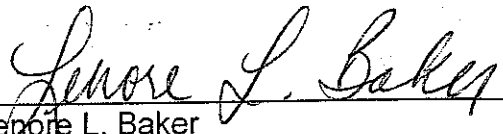
As a condition to granting these exceptions, the Board's Final Order, issued after review of this recommendation, shall be displayed in a conspicuous public location of the building.

A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909, Attention: Irvin Poke.

  
\_\_\_\_\_  
J. Andre Friedlis  
Administrative Law Judge

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 2<sup>nd</sup> day of March, 2008.

  
\_\_\_\_\_  
Lenore L. Baker  
State Office of Administrative Hearings and Rules

Irvin Poke  
State of Michigan  
BCC Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

Mark Lewis  
Charter Township of Plymouth  
9955 Hagerty Road  
Plymouth, MI 48170

Timothy Zawodny  
DeMattia Associates, Inc.  
Wash Zone Car Wash  
45501 Helm Street  
Plymouth, MI 48170



Innovative solutions to  
land and building needs

ISO 9001  
REGISTERED

24 August 2007

Michigan Department of Labor and Economic Growth  
Bureau of Construction Codes / Plan review Division  
Barrier Free Design Board  
P.O. Box 30255  
Lansing, Michigan 48909

RECEIVED

AUG 31 2007

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

RE: Application for Barrier Free Design Rule Exception  
Wash Zone Car Wash  
Plymouth, Michigan

Dear Design Board Members,

We are writing this letter in petition of an exception from the Michigan Barrier Free Design Rules with respect to the Wash Zone Car Wash project in Plymouth, Michigan.

The project is a newly constructed wash facility, incorporating both attended wash "tunnel", and fully automated wash bay. Pay stations are automated, and car wash staff attendants are present to provide assistance and monitor wash operations. The request for exception relates to the provision of a curb ramp at the walk approaching the office between the approach drives for the two wash bays. The applicable code section is Chapter 11 "Accessibility", Section 1104 "Accessible Routes", Paragraphs 1104.1 and 1104.2 of the MBC 2003, and ICC/ANSI 117.1, Article 406, current edition.

The code calls for curb ramps to be provided at accessible routes. The Car wash facility is operated on the basis of employee attendants servicing the customer at their vehicles, whether in the process of wash operations or at vacuum stations. In the interests of safety, no Customer is to approach the office by crossing traffic lanes on foot for service related items. With this provision, the exceptions cited for Paragraphs 1104.1 and 1104.2 may be applicable.

As it relates to Wash Zone employees, by necessity of the job requirements, they must perform vehicle preparation, be able to navigate and have service interaction with moving equipment above and below floor surfaces, and provide service to customers in variable vehicle heights. These duties and job responsibilities require that the individuals must be able-bodied as related to physical and or visual impairments that may require the use of such curb ramps as called for in the guidelines. Any staff on-site while the facility is in operation must perform the full range of tasks in normal wash operations.

Additionally, the siting of the facility and design of storm water controls with regard to paving at drive lanes and tunnel approach areas, creates a series of low points and cross pavement grades at the office area that are not conducive to accessible routes. Placement of required curb cuts in the area would result in ponding at these low points.

**DeMattia Group**

Detroit • Milwaukee

45501 Helm Street

Plymouth, MI 48170

734.453.2000 tel

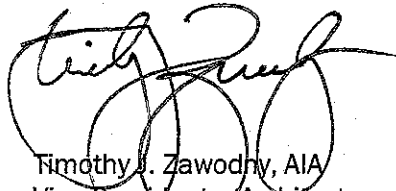
734.453.2947 fax

[www.demattia.com](http://www.demattia.com)

Page 2

It is therefore the request of the Owner for the stated exception, to reinforce the nature of the office area as "employee only" and reduce the risks to customers by not creating pedestrian paths in this area. We look forward to the Board's favorable review of this petition, and can be available to answer any questions arising from review of this application.

Thank you for your consideration in this matter,



Timothy J. Zawodny, AIA  
Vice President - Architecture  
DeMattia Associates Inc.

Encl. - Site and building drawings for reference

Cc: Mr. Mark Lewis, Plymouth Township Building Official  
Mr. Jim Belanger, Wash Zone Car Wash

29 January 2008

Michigan Department of Labor and Economic Growth  
Bureau of Construction Codes / Plan review Division  
Barrier Free Design Board  
P.O. Box 30255  
Lansing, Michigan 48909

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FEB 14 2008

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION



Innovative solutions to  
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ISO 9001  
REGISTERED

RE: Application for Barrier Free Design Rule Exception  
Wash Zone Car Wash  
Plymouth, Michigan  
State of Michigan Project Number: **73935-Wayne**

Dear Plan Review Division and Design Board Members,

We are writing this letter in follow up of the notice dated January 4<sup>th</sup> from your office regarding the application for the above project. The attached material provides the required items as noted in your review letter dated September 11, 2007, for items to be completed on the application form, and for provision of a complete set of sealed architectural "A Series" record documents for the project.

We have included a copy of the original letter of request dated August 24, 2007 for reference. Should any additional information or materials be required, please contact us at your earliest convenience. We look forward to your review and response to this request for exception from the Michigan Barrier Free Design Rules for the Wash Zone Car Wash project.

Again, we thank you for your consideration in this matter,

Timothy J. Zawodny, AIA  
Vice President - Architecture  
DeMattia Associates Inc.

Encl. - Complete sealed set of Site and building drawings for reference  
Cc: File

DeMattia Group

45501 Helm Street

Plymouth, MI 48170

734.453.2000 tel

734.453.2947 fax

www.demattia.com

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AUG 10 11 2007

Application for Barrier Free Design Rule Exception  
Michigan Department of Labor & Economic Growth  
Bureau of Construction Codes / Plan Review Div  
P.O. Box 30255, Lansing, MI 48909  
517-241-9328  
www.michigan.gov/bcc

133

73 935

Application Fee: \$300.00

Authority: 1986 PA 107  
Completion: Mandatory  
Penalty: Exception will not be granted

The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990, 42 U.S.C. 12204.

Note: The applicant is responsible for all fees applicable to this application.

FACILITY INFORMATION			
FACILITY NAME Wash Zone Car Wash		STREET / SITE ADDRESS 15065 Sheldon Road	
NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED <input type="checkbox"/> City <input type="checkbox"/> Village <input checked="" type="checkbox"/> Township Of: Plymouth		COUNTY Wayne County	
Estimated Project Cost \$ 725,000.00		Estimated Cost of Compliance \$ 3,500.00	
BUILDING PERMIT (To be completed by the administrative authority responsible for issuing the building permit for this project)			
<input checked="" type="checkbox"/> New Building <input type="checkbox"/> Alteration <input type="checkbox"/> Change of Use		Building Permit / File Number PB06-0651	
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED? N/A	USE GROUP "B"
			CONSTRUCTION TYPE 11 B
Project Does Not Comply With Barrier Free Design Requirements As Follows: Michigan Building Code Section(s) <b>CHAPTER 11. SECTION 1104.1 &amp; 1104.2</b> <b>ANSI 117.1 ARTICLE 406</b> Reason for Non-Compliance <b>SEE ATTACHED LETTER.</b>			
NAME Mark Lewis		ENFORCING AGENCY Charter Township of Plymouth	TELEPHONE NUMBER (Include Area Code) (734) 354-3210
ADDRESS 9955 North Haggerty		CITY Plymouth	ZIP CODE 48170
BUILDING OFFICIAL SIGNATURE (Must be an original signature) <i>Mark J. Lewis</i>		FAX NUMBER (Include Area Code)	
PROJECT ARCHITECT / ENGINEER (When professional services are required by code or law)			
NAME Timothy Zawodny		MICHIGAN LICENSE NUMBER 34224	FIRM NAME DeMattia Associates, Inc.
ADDRESS 45501 Helm Street		CITY Plymouth	STATE Mi.
		ZIP CODE 48170	TELEPHONE NUMBER (Include Area Code) (734) 453-2000
APPLICANT (Note: All correspondence will be sent to this address)			
NAME OF APPLICANT/APPLICANT'S REPRESENTATIVE Timothy Zawodny (for Jim Belanger (owner))		COMPANY NAME DeMattia (for Aeneas Group LLC)	SOCIAL SECURITY NUMBER (T. ZAWODNY)
ADDRESS 3211 Creston Circle (owner)		CITY (Superior Twp.)	STATE Mi.
		ZIP CODE 48110	TELEPHONE NUMBER (Include Area Code) (734) 453-2000
I certify the proposed work is authorized by the owner of record. I agree to conform to all applicable laws of the State of Michigan and all information submitted is accurate to the best of my knowledge.		FAX NUMBER (Include Area Code) (734) 453-3945	
APPLICANT SIGNATURE (Must be an original signature) <i>Timothy Zawodny</i>		DATE 08/30/07	

DEMATTIA GROUP



RECEIVED

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

In the matter of

East Grand Rapids High School,  
2211 Lake Drive SE  
Grand Rapids, MI 49506,  
Applicant

Docket No. 2008-199

Agency No. 73941

Agency: Bureau of Construction  
Codes

Case Type: Barrier Free Design  
Exception Request

Issued and entered  
this 14th day of March 2008  
by J. Andre Friedlis  
Administrative Law Judge

REPORT OF THE ADMINISTRATIVE LAW JUDGE

PROCEDURAL FINDINGS

This is a proceeding held pursuant to the authority granted in Section 5 of 1966 PA 1, as amended, MCL 125.1351 *et seq*; 1972 PA 230, as amended MCL 125.1501 *et seq*; and 1969 PA 306, as amended, MCL 24.101 *et seq*.

The purpose of this review is to examine an application for exception from requirements contained in the Barrier Free Design Rules of the State Construction Code. A hearing was held on March 10, 2008, in Lansing Michigan. Present were Ralph William Moxley II, Architect; Jennifer S. Fee, Principal, representing the Applicant; and Usha Menon representing the Plan Review Division.

ISSUES

Should the Board grant the Applicant an exception from Section 405.2 of the 1998 ICC/ANSI A117.1 code?

5. EXCEPTION APPLICATIONS  
03. 73941

### FINDINGS OF FACT

The Applicant high school has approximately 1000 students for grades 9 through 12. Instruction takes place in a main building with 200,000 square feet mostly on the first floor. Included on the first floor level is an area designated the Little Auditorium with 4000 square feet. This auditorium has a lowered stage area of 2000 square feet 48 inches below the surrounding floor. There are seven tiered levels around the stage. The upper tier is barrier free accessible, but there is no route of travel for barrier free access to the stage.

This auditorium became subject to the barrier free rules when alterations were made to the drama and music storage rooms in the summer of 2007. At that time a wall was removed and an exterior ramp with a 1 to 8 slope with canopy cover down from the parking lot was added. This ramp is approximately 45 feet long. These changes cost approximately \$100,000. The ramp was added to provide a way of bringing material to the stage, music room and stage storage room.

The stage storage room is 350 square feet and is located at the stage level. The vocal music room, 1400 square feet, and the music storage room, 269 square feet, are both located on the main floor level, 48 inches above the stage. The vocal music room contains a piano, audio equipment, speakers, DVDs, and computers. This room is locked unless being used.

In 2001 or 2002 a Performing Arts Center (Center) was built attached to the high school. This Center has 20,000 square feet on the main floor plus two balconies and a basement all connected with elevator access.

The Center has dramatically reduced use of the Little Auditorium to at most an average of one hour per day during the school year. Any rehearsal or production in the

Little Auditorium can also take place in the Center.

The only way access can be provided to the Little Auditorium stage would be to add a wheel chair lifting device in the music room. But this would require the room with all the equipment to be exposed to theft or misuse. Use of the stage does not necessarily mean the music room would be open, and a staff member in the auditorium would not be able to see what is happening in the music room. A lifting device would cost approximately \$21,000 including building modifications.

The outside ramp could also be lengthened to the required 1 in 12 slope, but this would cost an additional sum and only provide access to the stage from the outside.

#### **CONCLUSIONS OF LAW**

Act 1 of the Public Acts of 1966, as amended, states that the barrier free design requirements were created "to provide for the accessibility and utilization by physically limited persons of public facilities and facilities used by the public." The Barrier Free Design Board is authorized by the Act to grant or deny requests for exceptions to any or all of the barrier free design requirements for a stated time period and upon stated conditions, and require alternatives when exceptions are granted.

An exception request is granted only when the Applicant demonstrates compelling need. The Applicant has the ultimate burden of proving that an exception should be granted. An exception is a special license to deviate from rules that have uniform applicability to all facilities. Compelling need may be present if the literal application of a specific barrier free design requirement would result in exceptional, practical difficulty to the Applicant or where compliance would not be economically, technologically, structurally, or administratively feasible.

Section 405.2 of the 1998 ICC/ANSI A117.1 code provides:

**405.2 Slope.** Ramp runs shall have a running slope not steeper than 1:12.

**EXCEPTION:** Ramps in or on existing buildings or facilities shall be permitted to have slopes steeper than 1:12 complying with Table 405.2 where such slopes are necessitated by space limitations.

Slope	Maximum Rise
Steeper than 1:10 but not steeper than 1:8	3 inches (75 mm)
Steeper than 1:12 but not steeper than 1:10	6 inches (150 mm)

1 A slope steeper than 1:8 shall not be permitted

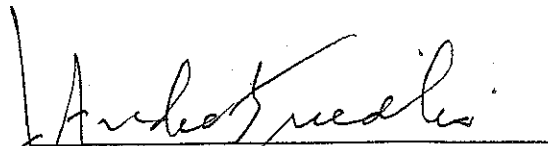
Compelling need based on student use an average of one hour per day during the school plus the duplicate facilities available in the attached Center justify a finding of compelling need. Moreover, adding a wheel chair lifting device would require the music room with valuable equipment to be left open. Requiring the expenditure of over \$20, 000 for such a limited use would be a waste of resources. While the outside ramp could be lengthened, this too would require spending more money for a limited use. In addition the outside ramp would not provide interior access to the stage.

#### **RECOMMENDED DECISION**

I recommend the Board grant the Applicant an exception from Section 405.2 of the 1998 ICC/ANSI A117.1 code for access to the Little Auditorium stage.

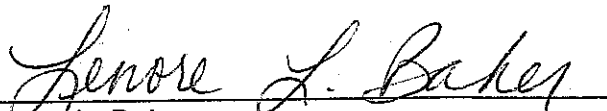
As a condition to granting this exception, the Board's Final Order, issued after review of this recommendation, shall be displayed in a conspicuous public location of the building.

A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909, Attention: Irvin Poke.

  
J. Andre Friedlis  
Administrative Law Judge

PROOF OF SERVICE

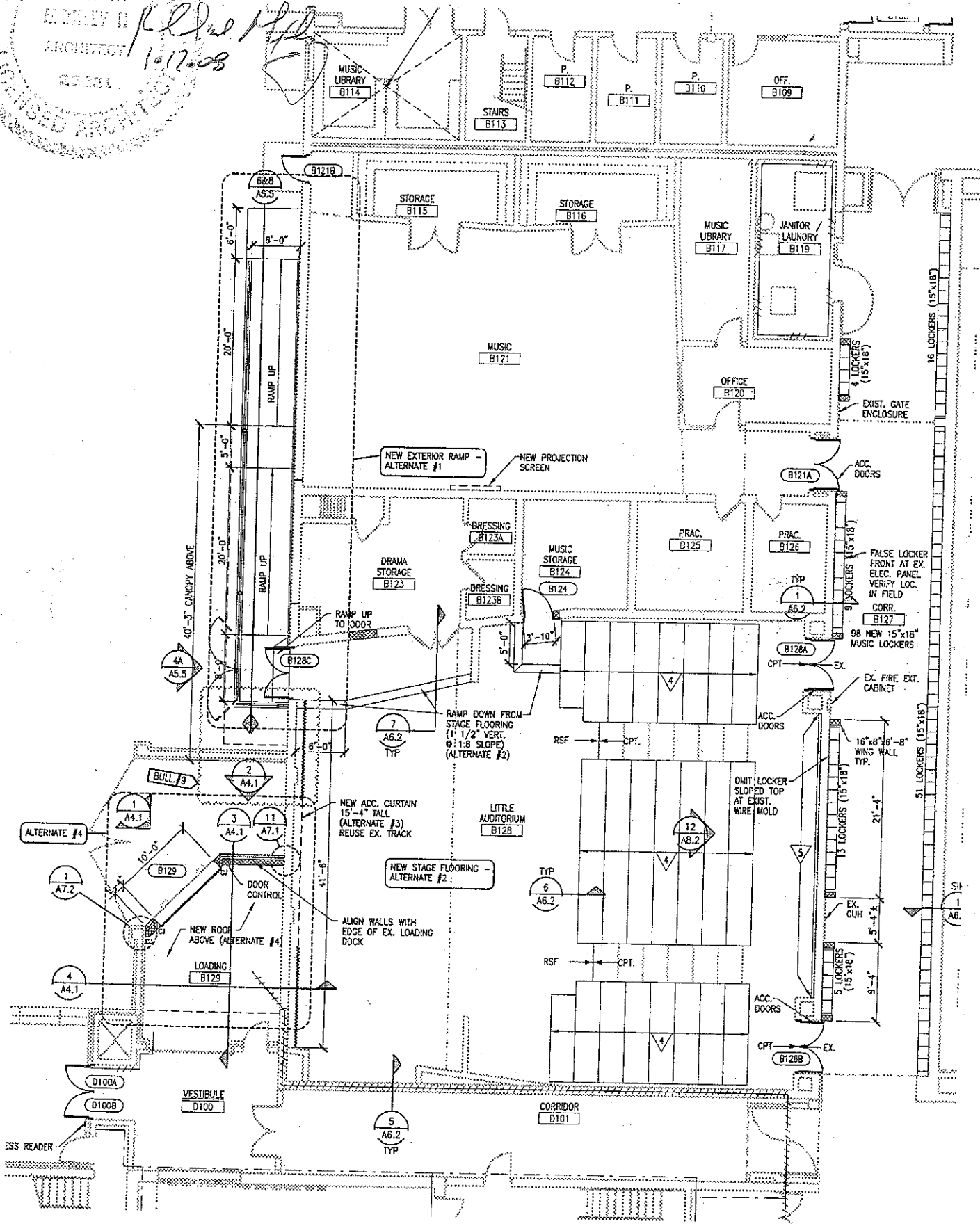
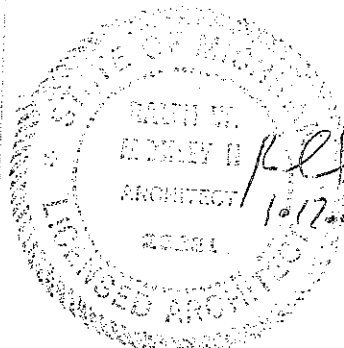
I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 14th day of March, 2008.

  
\_\_\_\_\_  
Lenore L. Baker  
State Office of Administrative Hearings and Rules

Irvin Poke  
State of Michigan  
BCC Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

Ralph Moxley  
URS Corporation  
East Grand Rapids High School  
3950 Sparks Drive SE  
Grand Rapids, MI 49546

Todd Cordill  
Bureau of Construction Codes  
Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864



*Pd. Mrs. Wm. H. ...*

*1-22-08*

RECEIVED  
JAN 27 1908  
CITY OF NEW YORK  
ARCHIVE  
LIBRARY

FINISH FLOORING -  
SEE ROOM FINISH  
SCHEDULE

NEW CARPET - SEE  
ROOM FINISH SCHEDULE

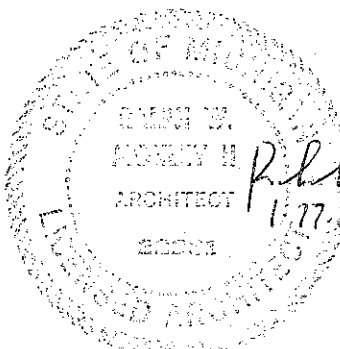
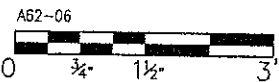
EX. STEP

STAGE SUBFLOOR  
(2 LAYERS 1/2"  
PLYWOOD OVER 1/2"  
FOAM CUSHION)

1 1/2"

EX. FLOOR SLAB  
(REMOVE EX. FINISH  
& CLEAN SURFACE)

6  
A1.1B



*Robert W. Miley*  
1.17.08





January 17, 2008  
Project No. 12940091

Mr. Todd Cordill  
Dept. of Labor and Economic Growth  
Bureau of Construction Codes  
Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

RE: **East Grand Rapids High School**  
**Application for Barrier Free Rule Exception**  
**BCC Project No. 73941-Kent**

Dear Mr. Cordill:

This letter and sketch attachments (one set signed and sealed) is a supplement to correspondence sent to your Bureau on August 29, 2007. URS seeks a variance from the Barrier Free Rule that requires handicapped person access to the stage area of the "Little Auditorium" at East Grand Rapids High School.

This problem first came to light when Mr. Phil Dadd told the construction manager's job site superintendent on August 13, 2007, that we had a problem with no barrier free access to the stage. I discussed this issue with Mr. Dadd on August 15, and he recommended that we apply for a Barrier Free Rule exception. I also spoke to you on both August 15 and August 23 about this same issue and you said to go ahead and submit the application seeking a variance. We did submit the application to BCC on August 29, 2007.

Shortly after submitting the application, we were told that the problem had been resolved internally at BCC. We now find that information was not correct, and that Mr. Dadd needs to bring closure to this issue before issuing a final Certificate of Occupancy. Therefore, we seek to re-open this application and proceed forward in meeting with the Michigan Barrier Free Review Board.

East Grand Rapids High School has a Little Auditorium stage floor that is approximately 48" below the main corridor floor level. See the attached plans that highlight the Little Auditorium. This is an existing space that received only minor remodeling to the finishes. The scope of work in this room included the following:

1. New stage flooring 1.5" in thickness. This was added for dancing. The original finish was VCT.
2. New carpet at the seating risers.
3. New acoustical wall panels at the back wall.
4. New acoustical doors at corridor entrance
5. Removal of one wall and closing one door at Drama Storage to consolidate two storage rooms into one.
6. New acoustical curtain at the back wall of the Stage.
7. New door at Music Storage room.
8. New pair of doors at outside entrance.
9. New ramp for service deliveries at the exterior (note: this is not a barrier free ramp).

The remodeling work is of a minor nature, and is primarily new finishes. There are no new walls, new platforms, or even seating modifications in this room. The exterior ramp was provided only so that materials could be delivered to the Stage from an adjacent parking lot. It was not an attempt to provide BF access to the Stage.

Providing barrier free access to the Stage level would entail interior access from the main level of the building down to the Stage level (48" down). The only viable solution would be to add a chairlift on the north side of



Mr. Todd Cordill  
MI Bureau of Construction Codes  
Project No. 12940091  
January 17, 2008  
Page 2

the Little Auditorium, and locate it so that the handicapped could access this lift through the Vocal Music Room. This will expose the Vocal Music Room, which has valuable recording equipment out in the open, to possible theft and vandalism from the general public. There is no place in either of the two adjacent corridors to locate a chair lift or a ramp without affecting the exiting width required for emergency egress from the building.

The handicapped citizens and students who use the Little Auditorium park their wheelchairs at the top level, usually in the center section, and watch the activities. While they are not able to access the Stage from this location, they can view the presentations made on the Stage. It should also be noted that at one time there was no other public assembly spaces in this building. About 5 years ago a new Performing Arts Center was completed adjacent to this space. All major assemblies for the student body now take place in the new Performing Arts Center (PAC), not in the "Little Auditorium". Part of the reason for the new PAC was lack of BF access at the stage, and limited seating capacity.

In summary, we seek this Barrier Free Rule exception for the following reasons:

1. Lack of BF access to the stage was a pre-existing condition, part of the original building, which was designed in 1965.
2. The remodeling of the "Little Auditorium" was of a minor nature, mostly finishes.
3. We see only one option for adding a chair lift, and that option will compromise building security. Any other options will compromise corridor exiting width.
4. Most meetings now take place in the new PAC.

Please pass this application along to the Barrier Free Board of Review for their consideration and to schedule a hearing as soon as possible. We regret that this application was allowed to sit "on hold" for so long, but now wish to proceed to resolve this matter to the satisfaction of the Review Board.

If you have any questions, or wish to contact me with a scheduled date for a meeting, you can reach me at 616-574-8384.

Sincerely,

URS Corporation

Ralph William Moxley, AIA, REFP, LEED AP  
Senior Project Manager

RWM/jc  
Enclosures

cc: EGRPS - Kevin Philipps, Jenny Fee  
OAK - Jim Schwass, Dan Szczepanek  
URS - Charles Andrews

RECEIVED

Facsimile

URS

JAN 16 2008

BUREAU OF CONSTRUCTION CODES  
FACSIMILE DIVISIONTo: TODD CORDILLClient: EAST GRAND RAPIDSFirm: M1 BCCProject Name: HIGH SCHOOL RENOVATIONSFax Number: 517.241.9308Location: EAST G.R.From: Ralph MoxleyProject No.: 12940091Phone Number: 616.574.8384Issue Date: 1.16.08 (8:10 AM)Page 1 of:       Subject: APPLICATION FOR BARRIER-FREE DESIGN RULE EXCEPTION  
LITTLE AUDITORIUM STAGEMessage: LIST OF EXHIBITS SENT 8.27.07:

1. LETTER OF TRANSMITTAL
2. APPLICATION FORM
3. COPY OF CHECK - \$300
4. FLOOR PLAN OF "LITTLE AUD." & ADJACENT VOCAL MUSIC RM.
5. ENLARGED PLAN OF "LITTLE AUD."
6. SECTION AT STAGE FLOOR.

MR. PHIL DADD (BCC INSPECTOR) TOLD MR. DAN SZCZEPANER (OAK) THAT DISTRICT NEEDS TO PROVIDE BF ACCESS TO STAGE. ONLY WORK IN THIS AREA IS ADDITION OF A CUSHIONED DANCE FLOOR (1 1/2"). NOTE NEW RAMP AT EXTERIOR IS FOR DELIVERIES, NOT BF ACCESS. ONLY WAY TO DESIGN ACCESS IS TO ADD A CHAIRLIFT TO STAGE IN VOCAL MUSIC ROOM. AFTER WE SENT APPLICATION, SOMEONE TOLD EITHER DAN S. OR ME THAT ISSUE WAS RESOLVED AT BCC. NOW PHIL DADD IS ASKING DAN S. WHY ISSUE WAS <sup>cc:</sup> NOT ADDRESSED. MY QUESTION IS ① WHY WAS THIS NOT FLAGGED IN PLAN REVIEW, AND ② DOES ADDING A CUSHIONED STAGE FLOOR TRIGGER BF ACCESS TO THE STAGE?

PLEASE CHECK INTO THIS ISSUE AND LET ME KNOW WHAT YOU FIND.

URS Corporation  
3950 Sparks Drive SE  
Grand Rapids, MI 49546-2420  
T: 616.574.8500  
F: 616.574.8542  
www.urscorp.com

RALPH

## Confidentiality Notice

The information in this facsimile transmission is intended solely for the stated recipient of this transmission. If you have received this fax in error, please notify the sender immediately by telephone. If you are not the intended recipient, please be advised that dissemination, distribution, or copying of the information contained in this fax is strictly prohibited.

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SEP 04 2007

Application for Barrier Free Design Rule Exception  
Michigan Department of Labor & Economic Growth  
Bureau of Construction Codes / Plan Review Division  
P.O. Box 30255, Lansing, MI 48909  
517-241-9328  
www.michigan.gov/bcc

133

Trans Info: 133 13232629-1 08/31/07  
CNA: 1124 Agency Use Only: 01  
ID: EDR

Application Fee: \$300.00

Authority: 1998 PA 117.1 INSTRUCTION CODES	The Department of Labor and Economic Growth will not discriminate age, national origin, color, marital status, disability, or political beliefs. Americans with Disabilities Act, you may make your needs known to it
Completion: Mandatory	
Penalty: Exception will not be granted	

73 941

The Barrier Free Design Board has no authority over the federal standards contained in the U.S.C. 12204.

Note: The applicant is responsible for all fees applicable to this application.

<b>FACILITY INFORMATION</b>					
FACILITY NAME East Grand Rapids Public Schools/High School			STREET / SITE ADDRESS 2211 Lake Drive		
NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township Of: East Grand Rapids			COUNTY Kent		
Estimated Project Cost \$ 2,700,000.00			Estimated Cost of Compliance \$ 30,000.00		
<b>BUILDING PERMIT</b> (To be completed by the administrative authority responsible for issuing the building permit for this project)					
<input type="checkbox"/> New Building <input checked="" type="checkbox"/> Alteration <input type="checkbox"/> Change of Use			Building Permit / File Number		
Is a Temporary Exception Requested? <input type="checkbox"/> No <input type="checkbox"/> Yes			PERIOD OF TIME REQUESTED? Permanent	USE GROUP E	CONSTRUCTION TYPE II(000)
Project Does Not Comply With Barrier Free Design Requirements As Follows: Michigan Building Code Section(s) 1998 ICC/ANSI A 117.1, SECTION 405.2 Per Phil Dadd, stage at Little Auditorium is not accessible. Reason for Non-Compliance <del>Existing condition.</del> SEE ATTACHED LETTER					
NAME Todd Cordill, NCARB		ENFORCING AGENCY Bureau of Construction Codes		TELEPHONE NUMBER (Include Area Code) (517) 241-9328	
ADDRESS P.O. Box 30255		CITY Lansing	ZIP CODE 48909	FAX NUMBER (Include Area Code) (517) 241-9308	
BUILDING OFFICIAL SIGNATURE (Must be an original signature) 					
<b>PROJECT ARCHITECT / ENGINEER</b> (When professional services are required by code or law)					
NAME Ralph W. Moxley, AIA		MICHIGAN LICENSE NUMBER 22232		FIRM NAME URS Corporation	
ADDRESS 3950 Sparks Drive SE		CITY Grand Rapids	STATE MI	ZIP CODE 49546	TELEPHONE NUMBER (Include Area Code) (616) 574-8384
<b>APPLICANT</b> (Note: All correspondence will be sent to this address)					
NAME OF APPLICANT/APPLICANT'S REPRESENTATIVE Ralph W. Moxley, AIA		COMPANY NAME URS Corporation		SOCIAL SECURITY NUMBER* OR FEIN (REQUIRED) 	
ADDRESS 3950 Sparks Drive SE		CITY Grand Rapids	STATE MI	ZIP CODE 49546	TELEPHONE NUMBER (Include Area Code) (616) 574-8384
I certify the proposed work is authorized by the owner of record. I agree to conform to all applicable laws of the State of Michigan and all information submitted is accurate to the best of my knowledge.					FAX NUMBER (Include Area Code) (616) 574-8542
APPLICANT SIGNATURE (Must be an original signature) 				DATE 8.28.07	

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

In the matter of

Docket No. 2008-226

StoneRidge of Shelby South  
46838 Topaz Lane  
Shelby, MI ,  
Applicant

Agency No. 76663

Agency: Bureau of Construction  
Codes

Case Type: Barrier Free Design  
Exception Request

5. EXCEPTION APPLICATIONS  
04. 76663

RECEIVED

MAR 13 2008

Issued and entered  
this 14th day of March, 2008  
by J. Andre Friedlis  
Administrative Law Judge

REPORT OF THE ADMINISTRATIVE LAW JUDGE

PROCEDURAL FINDINGS

This is a proceeding held pursuant to the authority granted in Section 5 of 1966 PA 1, as amended, MCL 125.1351 *et seq*; 1972 PA 230, as amended MCL 125.1501 *et seq*; and 1969 PA 306, as amended, MCL 24.101 *et seq*.

The purpose of this review is to examine an application for exception from requirements contained in the Barrier Free Design Rules of the State Construction Code. A hearing was held on March 10, 2008, in Lansing Michigan. Present were: Louis Stramaglia, President/Developer; Kevin Brandon, Project Architect, representing the Applicant; and Usha Menon representing the Plan Review Division.

ISSUES

Should the Applicant be granted an exception from Section 1107.6.2.1.2 of the 2003 Michigan Building Code (MBC)?

**FINDINGS OF FACT**

The Applicant has constructed 16 condominium units in two structures; two units have been sold. A building permit was issued in the spring of 2007. Ultimately 156 units in 18 buildings will be constructed. Most buildings will have 8 units but three will have 12 units. The project will hopefully be completed in 2012. Units range in cost from \$169,000 to \$189,000.

The units will all have one car garages on the first level. The second levels will have units with 1305 square feet and a third level with 1416 square foot units. While the garages provide grade level access, the main building entrance is 4 feet above grade. From this entrance one can go down to the garage level or up to the second level. From the garages, one can go to either the second or third level units.

Timothy R. Wood, Assistant Building Director addressed the issue presented in his January 31, 2008 statement:

- a) The overall project consists of 18 three-story multiple residential buildings with a total of 176 units. Two buildings have building permits and are under construction. The remaining buildings in the project are proposed in the future. During construction, the builder decided to offer optional private elevators to serve units that were previously exempt from type b accessibility requirements pursuant to Section 1107.7.2. With the addition of the elevator, the units are now required to comply with type b provisions. The builder requests an exception from the requirements for type b provisions for units provided with the optional elevator.
- b) As an alternative to the above exception request, the builder intends on complying with the provisions for type b accessibility in units provided with optional private elevators with one exception.

The builder requests that an overhead garage door be allowed as a primary entrance door contrary to Section 404 of the ICC/ANSI A117.1-1998 provisions as referenced by Section 1107.6.2.1.2 and the definition of type b dwelling unit listed in Section 1102.

As the units were to be originally built, they would not have had an elevator, but as noted by Mr. Wood, an elevator is now being offered for the upper level units. One of the two units purchased thus far has requested an elevator.

### **CONCLUSIONS OF LAW**

Act 1 of the Public Acts of 1966, as amended, states that the barrier free design requirements were created "to provide for the accessibility and utilization by physically limited persons of public facilities and facilities used by the public." The Barrier Free Design Board is authorized by the Act to grant or deny requests for exceptions to any or all of the barrier free design requirements for a stated time period and upon stated conditions, and require alternatives when exceptions are granted.

An exception request is granted only when the Applicant demonstrates compelling need. The Applicant has the ultimate burden of proving that an exception should be granted. An exception is a special license to deviate from rules that have uniform applicability to all facilities. Compelling need may be present if the literal application of a specific barrier free design requirement would result in exceptional, practical difficulty to the Applicant or where compliance would not be economically, technologically, structurally, or administratively feasible.

Section 1107.6.2.1.2 of the 2003 MBC provides:

**1107.6.2.1.2 Type B units.** Where there are four or more dwelling units or sleeping units intended to be occupied as a residence in a single structure, every dwelling unit and sleeping unit intended to be occupied as a residence shall be a Type B unit. (Exception omitted.)

The Applicant has demonstrated compelling need based on the practicalities of the housing market to justify the Board granting an exception.

The Applicant originally intended to construct the condominium units without an elevator. As explained by Ms. Menon, if built without an elevator, there would be no requirement for building access as a Type B unit. But when a purchaser wants an elevator, the unit must be made a Type B unit and this means in part barrier free access to the building. It would be difficult and expensive to redesign the building entrances to provide barrier free access. It would be reasonable to consider the garage access at grade to satisfy this requirement.

The Applicant needs the flexibility to respond to the wishes of a purchaser. And as noted, these are condominium units where the purchasers will own their units.

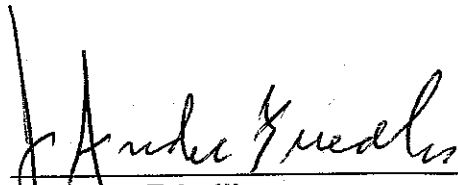
#### **RECOMMENDED DECISION**

I recommend the Board grant the Applicant an exception from Section 1107.6.2.1.2 of the 2003 MBC for the 156 units at issue and to allow the garage entrance to satisfy the building access requirements in those cases where a purchaser wants an elevator.



As a condition to granting this exception, the Board's Final Order, issued after review of this recommendation, shall be displayed in a conspicuous public location of the building.

A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909, Attention: Irvin Poke.

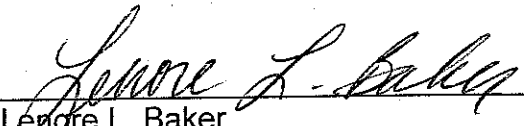


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J. Andre Friedlis  
Administrative Law Judge

**PROOF OF SERVICE**

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 11th day of March, 2008.

  
\_\_\_\_\_  
Lenore L. Baker  
State Office of Administrative Hearings and Rules

Irvin Poke  
State of Michigan  
BCC Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

Louis Stramaglia  
Stone Ridge Contracting, LLC  
3000 Auburn Road  
Shelby Township, MI 48317

Timothy Wood  
Charter Township of Shelby  
52700 Van Dyke  
Shelby Township, MI 48316

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APR 24 2008

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

preview

ARCHITECTURE + PLANNING

April 11, 2008

Irvin Poke  
Bureau of Construction Codes  
P.O. Box 30254  
Lansing, MI 48909

RE: StoneRidge of Shelby South, Shelby Township, MI  
Docket No.: 2008-226 Agency No.: 76663

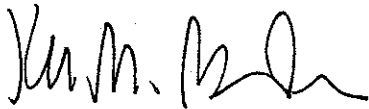
Subject: Consideration for exception from type B unit requirement

Mr. Poke:

This letter is in regards to the recommended decision by Administrative Law Judge J. Andre Friedl for the above referenced project. In his decision he recommended that the Applicant be allowed to use the garage as an accessible entrance to an elevator unit. We ask that the Barrier Free Design Board also consider our request for an exception from the requirements for Type B provisions for units that are provided with an elevator.

We appreciate your consideration of this matter.

Sincerely,



Kevin M. Brandon  
Principal Architect  
Preview Architecture + Planning, L.L.C.

RECEIVED

FEB 06 2008

**Administrative Authority attachment to  
Application for Barrier Free Design Rule Exception**

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

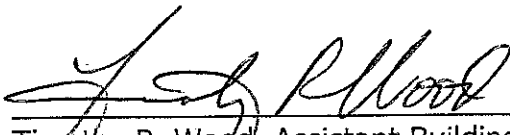
**Project:** Stoneridge of Shelby South

**Michigan Building Code Sections**

- a) Section 1107.6.2.1.2
- b) Section 404 of the ICC/ANSI A117.1-1998 provisions as referenced by Section 1107.6.2.1.2 and the definition of type b dwelling unit listed in Section 1102.

**Reason for Non-compliance**

- a) The overall project consist of 18 three-story multiple residential buildings with a total of 176 units. Two buildings have building permits and are under construction. The remaining buildings in the project are proposed in the future. During construction, the builder decided to offer optional private elevators to serve units that were previously exempt from type b accessibility requirements pursuant to Section 1107.7.2. With the addition of the elevator, the units are now required to comply with type b provisions. The builder requests an exception from the requirements for type b provisions for units provided with the optional elevator.
- b) As an alternative to the above exception request, the builder intends on complying with the provisions for type b accessibility in units provided with optional private elevators with one exception. The builder requests that an overhead garage door be allowed as a primary entrance door contrary to Section 404 of the ICC/ANSI A117.1-1998 provisions as referenced by Section 1107.6.2.1.2 and the definition of type b dwelling unit listed in Section 1102.



Timothy R. Wood, Assistant Building Director  
Charter Township of Shelby

1/31/08  
Date

# RECEIVED

FEB 06 2008

Application for Barrier Free Design Rule Exception  
Michigan Department of Labor & Economic Growth  
Bureau of Construction Codes / Plan Review  
P.O. Box 30255, Lansing, MI 48901  
517-241-9328  
www.michigan.gov/bcc

133

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

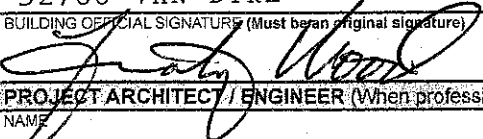
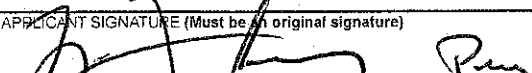
76 663

Application Fee: \$300.00

Authority: 1966 PA 1 Completion: Mandatory Penalty: Exception will not be granted	The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.
---	--

The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990, 42 U.S.C. 12204.

Note: The applicant is responsible for all fees applicable to this application.

<b>FACILITY INFORMATION</b>			
FACILITY NAME StoneRidge of Shelby South		STREET / SITE ADDRESS 46838 TOPAZ LANE (LPM)	
NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED <input type="checkbox"/> City <input type="checkbox"/> Village <input checked="" type="checkbox"/> Township Of: Shelby		COUNTY Macomb	
Estimated Project Cost \$ 769,000.00		Estimated Cost of Compliance \$	
<b>BUILDING PERMIT</b> (To be completed by the administrative authority responsible for issuing the building permit for this project)			
<input checked="" type="checkbox"/> New Building <input type="checkbox"/> Alteration <input type="checkbox"/> Change of Use		Building Permit / File Number PB06-0997, PB07-0547 & FUTURE BUILDINGS	
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED? PERMANENT	USE GROUP R-2
		CONSTRUCTION TYPE VB	
Project Does Not Comply With Barrier Free Design Requirements As Follows: Michigan Building Code Section(s) SEE ATTACHED Reason for Non-Compliance Tran Info: 133 13619700-1 02/04/08 Chk#: 5287 Amt: \$300.00 ID: VOLPE VITO INC			
NAME TIMOTHY WOOD		ENFORCING AGENCY SHELBY TOWNSHIP	
ADDRESS 52700 VAN DYKE		CITY SHELBY TWP	ZIP CODE 48316
BUILDING OFFICIAL SIGNATURE (Must be an original signature) 		TELEPHONE NUMBER (Include Area Code) 586-731-5969	
PROJECT ARCHITECT / ENGINEER (When professional services are required by code or law)			
NAME Olexa Tkachenko		FIRM NAME Preview Architecture + Planning, LLC	
ADDRESS 512 Madison Avenue		CITY Rochester	STATE MI
		ZIP CODE 48307	TELEPHONE NUMBER (Include Area Code) (248) 652-4112
<b>APPLICANT</b> (Note: All correspondence will be sent to this address)			
NAME OF APPLICANT/APPLICANT'S REPRESENTATIVE Louis Stramaglia		COMPANY NAME Stone Ridge Contracting, LLC	
ADDRESS 3000 Auburn Road		CITY Shelby Township	STATE MI
		ZIP CODE 48317	TELEPHONE NUMBER (Include Area Code) (586) 739-5863
I certify the proposed work is authorized by the owner of record. I agree to conform to all applicable laws of the State of Michigan and all information submitted is accurate to the best of my knowledge.		FAX NUMBER (Include Area Code) (586) 739-5640	
APPLICANT SIGNATURE (Must be an original signature) 		DATE 1-24-8	

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

In the matter of

Docket No. 2008-206

Jandron Custom Home Builders, LLC  
400 Iron Street  
Nagaunee, MI,  
Applicant

Agency No. 76689

Agency: Bureau of Construction  
Codes

Case Type: Barrier Free Design  
Exception Request

**RECEIVED**

MAY 02 2008

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

Issued and entered  
this 1<sup>st</sup> day of May, 2008  
by J. Andre Friedlis  
Administrative Law Judge

REPORT OF THE ADMINISTRATIVE LAW JUDGE

PROCEDURAL HISTORY

This is a proceeding held pursuant to the authority granted in Section 5 of 1966 PA 1, as amended, MCL 125.1351 *et seq*; 1972 PA 230, as amended MCL 125.1501 *et seq*; and 1969 PA 306, as amended, MCL 24.101 *et seq*.

The purpose of this review is to examine an application for exception from requirements contained in the Barrier Free Design Rules of the State Construction Code. On February 21, 2008, the Applicant waived the Applicant's right to an in-person hearing. Due to Applicant's distance from Lansing, the Applicant responded to questions posed by the Department's Plan Review Division. The Applicant's responses were received March 20, 2008. On April 16, 2008, a report from Building Official Gregg Sicotte was received. On April 28, 2008, I received a statement from Usha Menon, Building Plan Review stating that Mr. Sicotte had verified the building entrance complies with accessibility requirements.

5. EXCEPTION APPLICATIONS  
05. 76689

**ISSUE**

Should the Board grant the Applicant an exception from Section 1109.2 of the 2003 Michigan Building Code (MBC)? Based on Mr. Sicotte's statement and the letter from Ms. Menon, Section 1105.1 of the MBC may be deleted from the Applicant's request.

**FINDINGS OF FACT**

The Applicant filed a previous application for a two year time exception but the anticipated purchase of the land on which the Applicant has placed his custom built homes has not occurred. The Applicant now wishes the Board to grant a permanent exception from the bathroom requirements of the 2003 MBC.

The Applicant displays three models homes for resale. All are barrier free accessible but do not have barrier free compliant bathrooms. The Applicant estimated providing accessible bathrooms would increase the cost by \$80,000 to \$90,000 and a different model would have to be ordered. Grab bars have been provided in the models now on display.

The piece of property on which the models are displayed is adjacent to Ojibway Tribe land and is believed needed to construct a casino. This was to happen some time ago which prompted the prior two year time exception request. But, since this purchase has not taken place, the Applicant continues to lease the land on which the models are displayed.

In answer to Question 14 regarding bathroom accessibility, the Applicant offers compelling need as follows:

**Several reasons, as we display residential homes, we are on tempory(sic), leased land, we comply w/residential baths w/grab bars & access. The**

economic woes to comply are enormous & detrimental to our business & requirement is excessive to our business to display & sell a residential home.

### **CONCLUSIONS OF LAW**

Act 1 of the Public Acts of 1966, as amended, states that the barrier free design requirements were created "to provide for the accessibility and utilization by physically limited persons of public facilities and facilities used by the public." The Barrier Free Design Board is authorized by the Act to grant or deny requests for exceptions to any or all of the barrier free design requirements for a stated time period and upon stated conditions, and require alternatives when exceptions are granted.

An exception request is granted only when the Applicant demonstrates compelling need. The Applicant has the ultimate burden of proving that an exception should be granted. An exception is a special license to deviate from rules that have uniform applicability to all facilities. Compelling need may be present if the literal application of a specific barrier free design requirement would result in exceptional, practical difficulty to the Applicant or where compliance would not be economically, technologically, structurally, or administratively feasible.

#### **Section 1109.2 addresses bathrooms in pertinent part:**

**Toilet and bathing facilities:** Toilet rooms and bathing facilities shall be accessible ... At least 1 of each type of fixture, element, control, or dispenser in each accessible toilet room and bathing facility shall be accessible.

The Applicant has presented compelling need based on cost and limited use.



Only the Applicant and an occasional customer will use the existing bathrooms.

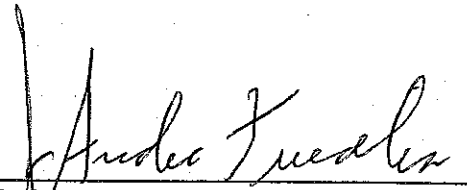
Providing barrier free bathrooms would be a waste of resources, considering the limited use of this building and the fact that the Applicant hopes to sell the buildings as residences.

**RECOMMENDED DECISION**

I recommend the Board grant the Applicant an exception from Section 1109.2 of the Michigan Building Code 2003.

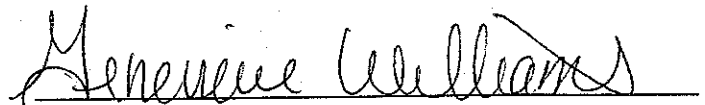
As a condition to granting this exception, the Board's Final Order, issued after review of this recommendation, shall be displayed in a conspicuous public location of the building.

A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909, Attention: Irvin Poke.

  
\_\_\_\_\_  
J. Andre Friedlis  
Administrative Law Judge

PROOF OF SERVICE

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 1<sup>st</sup> day of May, 2008.



Genevieve Williams

State Office of Administrative Hearings and Rules

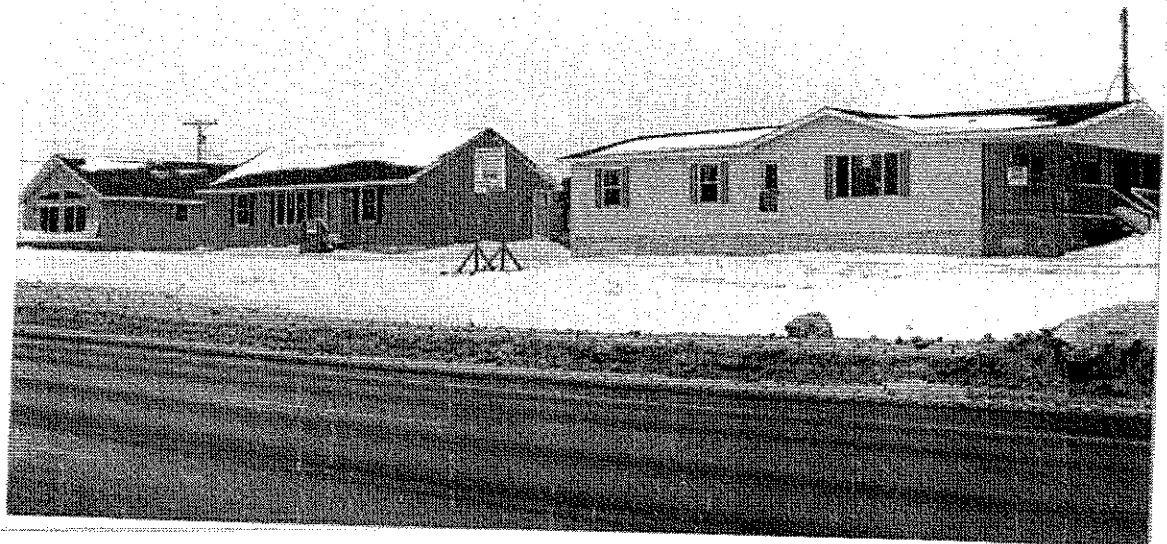
Gregory D Sicotte  
Marquette County  
Building Code Department  
324 West Baraga Avenue  
Marquette, MI 49855

Irvin Poke  
State of Michigan  
BCC Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

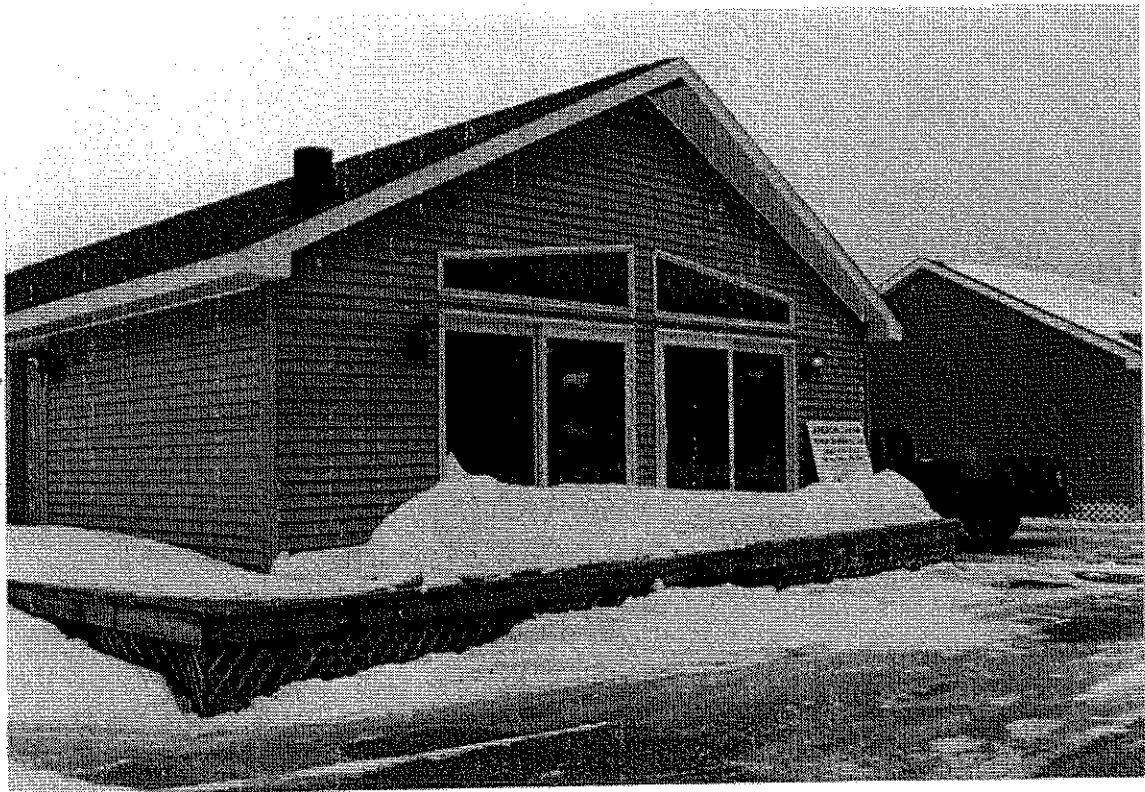
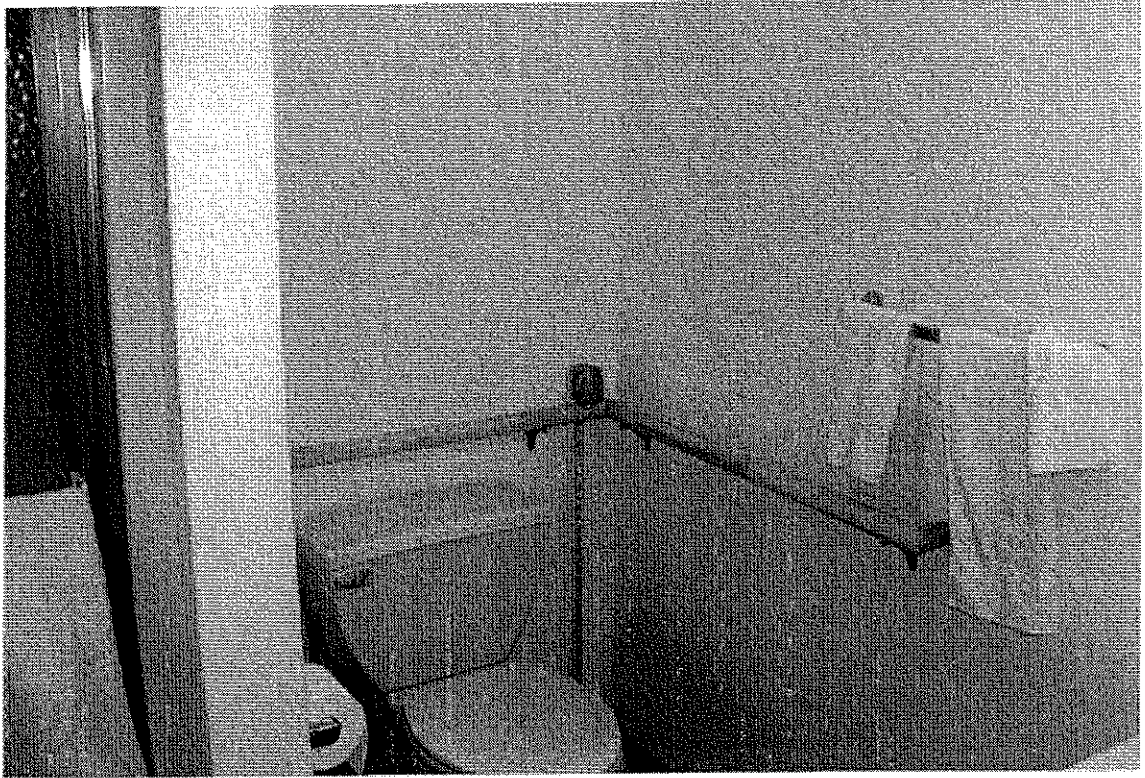
Michael Prusi  
State Senator, 38th District  
P.O. Box 30036  
Lansing, MI 48909

Robert Jandron  
Jandron Custom Home Builders  
400 Iron Street  
Negaunee, MI 49866

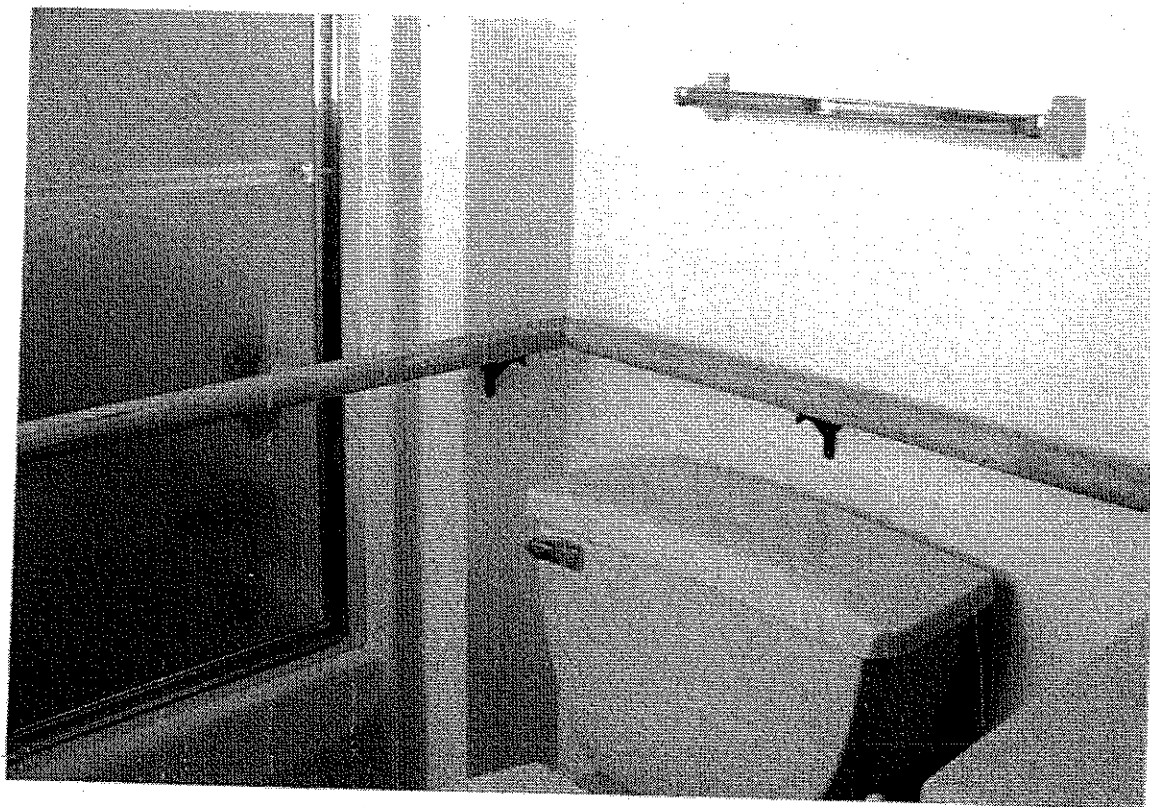
Steven Lindberg  
Michigan House of Representatives  
109th District  
State Capitol  
PO Box 30014  
Lansing, MI 48909











4-29-08

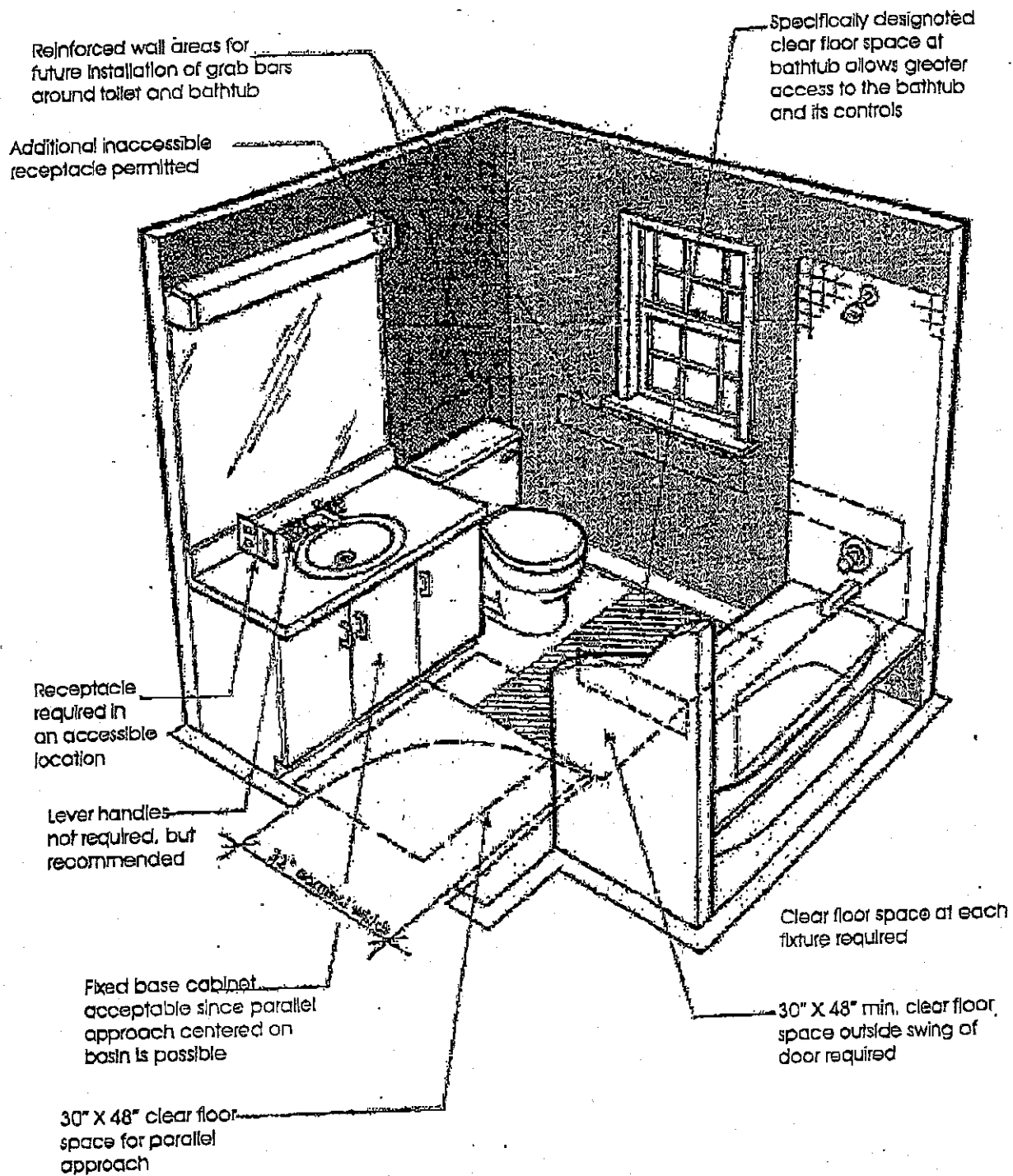
For some reason the local  
inspector forgot to send  
you this layout of our  
Bathroom #2 - This Bathroom  
seems to fit our request for  
a variance to type B Duelling  
Unit Option sent me from  
Irwin pike, see Print of Home  
layout sent previously.

Thank you  
Ralph J. Juley

ATTN: J ANDRE Fneidli's  
(Usha Menon)

RECEIVED  
APR 29 2008

PROPERTY OF THE  
FEDERAL BUREAU OF INVESTIGATION  
U.S. DEPARTMENT OF JUSTICE

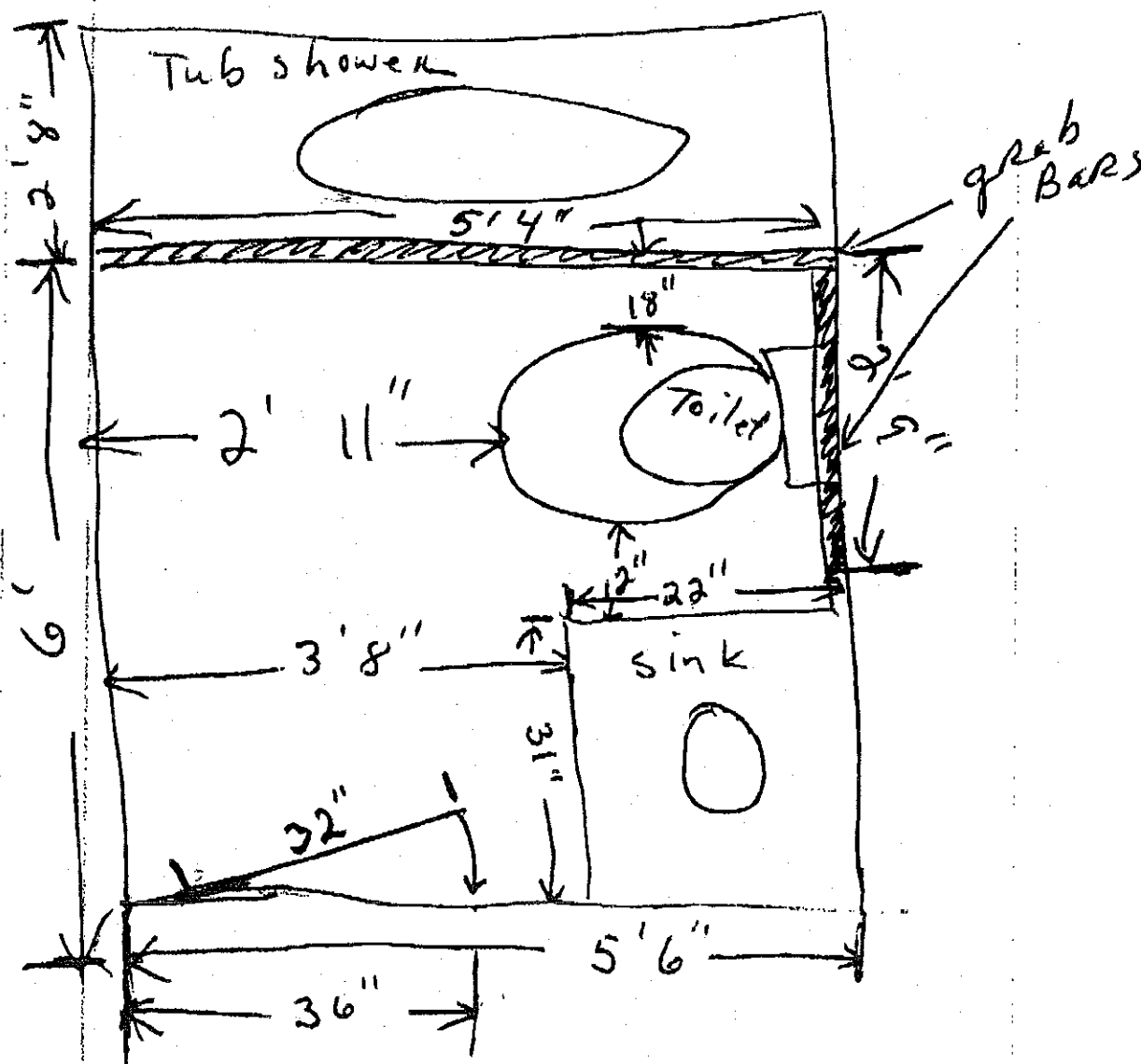


**Type B Dwelling Unit  
Option "B"**



MARQ CO. Inspector  
Forgot to submit  
this Bath layout.

BATH #2





JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LABOR & ECONOMIC GROWTH  
LANSING

KEITH W. COOLEY  
DIRECTOR

April 24, 2008

Andre Friedlis, Administrative Law Judge Manager  
Office of Administrative Hearings and Rules  
611 West Ottawa Street  
Ottawa State Office Building - 2nd Floor  
P. O. Box 30695  
Lansing, MI 48909

RE: Jandron Custom Home builders LLC  
Application No. 76689 – Marquette  
Docket No. 2008 - 206

Dear Judge Friedlis:

Your letter dated April 23, 2008 along with the attachments has been reviewed. The letter from Marquette building official Mr. Greg Sicotte states that the building entrance for the above project complies with the accessibility requirements. So please delete 2003 MBC, Section 1105.1 for an accessible entrance from the exception request.

If you have any questions, please do not hesitate to contact our office.

Sincerely,

Usha Menon, Building Plan Reviewer  
Plan Review Division

Cc: Robert Jandron  
Greg Sicotte, Marquette Building Code Department



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

PETER L. PLUMMER  
EXECUTIVE DIRECTOR

April 23, 2008

RECEIVED

APR 23 2008

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

To: Usha Menon  
Plan Review Division  
Bureau of Construction Codes  
P.O. Box 30254  
Lansing, MI 48909

Robert Jandron  
Jandron Custom Home Builders, LLC  
400 Iron Street  
Negaunee, MI 49866

Gregg Sicotte  
Building Official  
Marquette Building, Code Dept.  
324 W. Baraga Ave.  
Marquette, MI 49855

Re: Jandron Custom Builders  
Docket No. 2008-206

On April 16, 2008, I received a fax transmission from Building Official Sicoite. On the last page Mr. Sicotte reports on his examination of the site. A copy is enclosed for Ms. Menon and Mr. Jandron.

Ms. Menon- in light of this information, please send Mr. Jandron questions related to accessible entrances. Please send Mr. Sicotte and me a copy.

Mr. Jandron- After receipt of Ms. Menon's further questions, please file your answers in affidavit form as you did before and send copies to Ms. Menon and Mr. Sicotte.

I will prepare my recommendation after all information has been received.

J. Andre Friedlis  
Administrative Law Judge Manager

2008-206

SWORN STATEMENT  
IN THE MATTER OF  
76689 MARQUETTE  
JANDRON CUSTOM HOME BUILDERS LLC  
400 IRON ST. / 181 U.S. 41  
NAGAUNEE, MI 49866  
MARQUETTE COUNTY

RECEIVED

APR 16 2008

STATE OFFICE OF ADMINISTRATIVE  
HEARINGS & RULES

I, Robert Jandron provide the following information under oath. All  
information is true, accurate and complete:

1. State your full name, address and telephone number.

Answer: Robert Bruce Jandron Jr.  
400 IRON ST  
Negaunee, Michigan 49866  
906-458-1482 cell #

2. Are you the building owner? If not, state your interest in this matter.

Answer: Yes

3. Describe the nature of this facility and activities that take place here.

Answer: (model Home) to display our most  
popular models in the Upper Peninsula  
a cottage design. We display 3 models  
one of which we light at night.

5. What is the project cost?

Answer: I don't know what this means.

which project? Ramp, Bathrooms +  
Commercial Building on this existing  
Home? Ramp + Bathrooms - 5000<sup>ea</sup>  
House - 190,000 + Setup Fin<sup>ea</sup>  
20,000

10. List those items, which do not comply with the barrier free design requirements in the toilet and bathing rooms.

Answer: We do not have a commercial Bathroom - we have a display home for Residential use. We have complied w/ Grab bars (per Plan attached)

11. Describe in detail the renovations, which would have to be done to bring the toilet and bathing rooms into compliance with the barrier free requirements?

Answer: We would have to order a complete different home to display one that is not in Demand <sup>NOT</sup> for very often, As well most like to customize their home As well.

12. What is the estimated cost to bring toilet and bathing rooms in compliance?

Answer: 80 to \$90,000 dollars at least. We would have to order a new model.

14. Explain your reasons of compelling need for an exception from the requirements of barrier free toilet and bathing facilities.

Answer: Several reasons, AS we display Residential Homes, we ARE on Temporary, Leased Land, we comply w/ Residential Baths w/ Grab Bars & access. The economic woes to comply ARE enormous & detrimental to our Business & Requirements are excessive to our Business to Display & Sell a Residential Home.

8. List the entrances of this building and where they are located?

Answer: We have 4 accesses - 1 which is totally compliance w/ Ramp + 38" door - A Front deck 4' x 28' to (2) 8' Patio doors + Back entrance which has 38" door w/ STAIRS + RAILINGS

9. List those items, which do not comply with the barrier free design requirements for entrances:

Answer: None

10. Describe in detail the renovations, which would have to be done to create an accessible entrance:

Answer: None

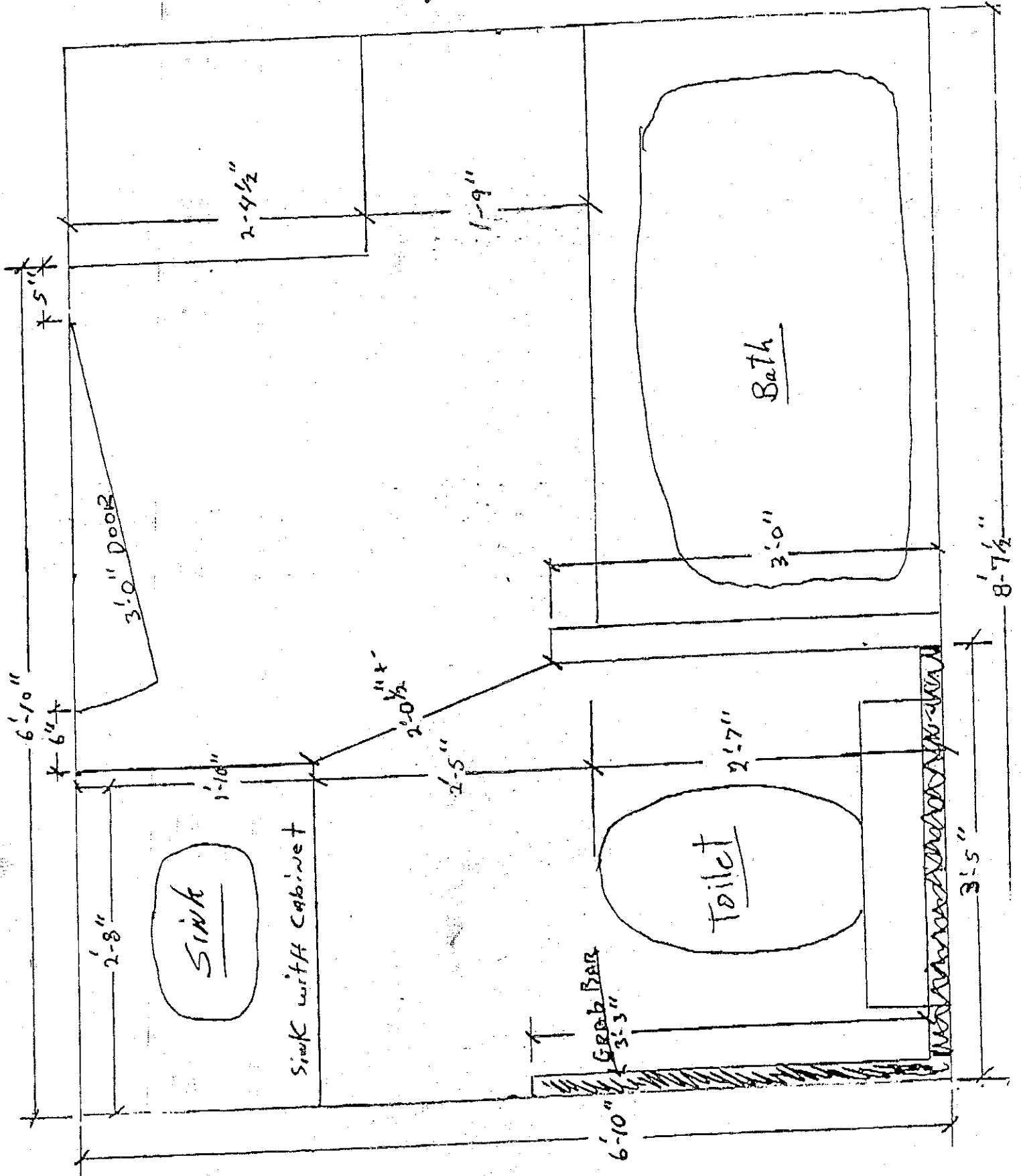
11. What is the estimated cost to provide an accessible entrance?

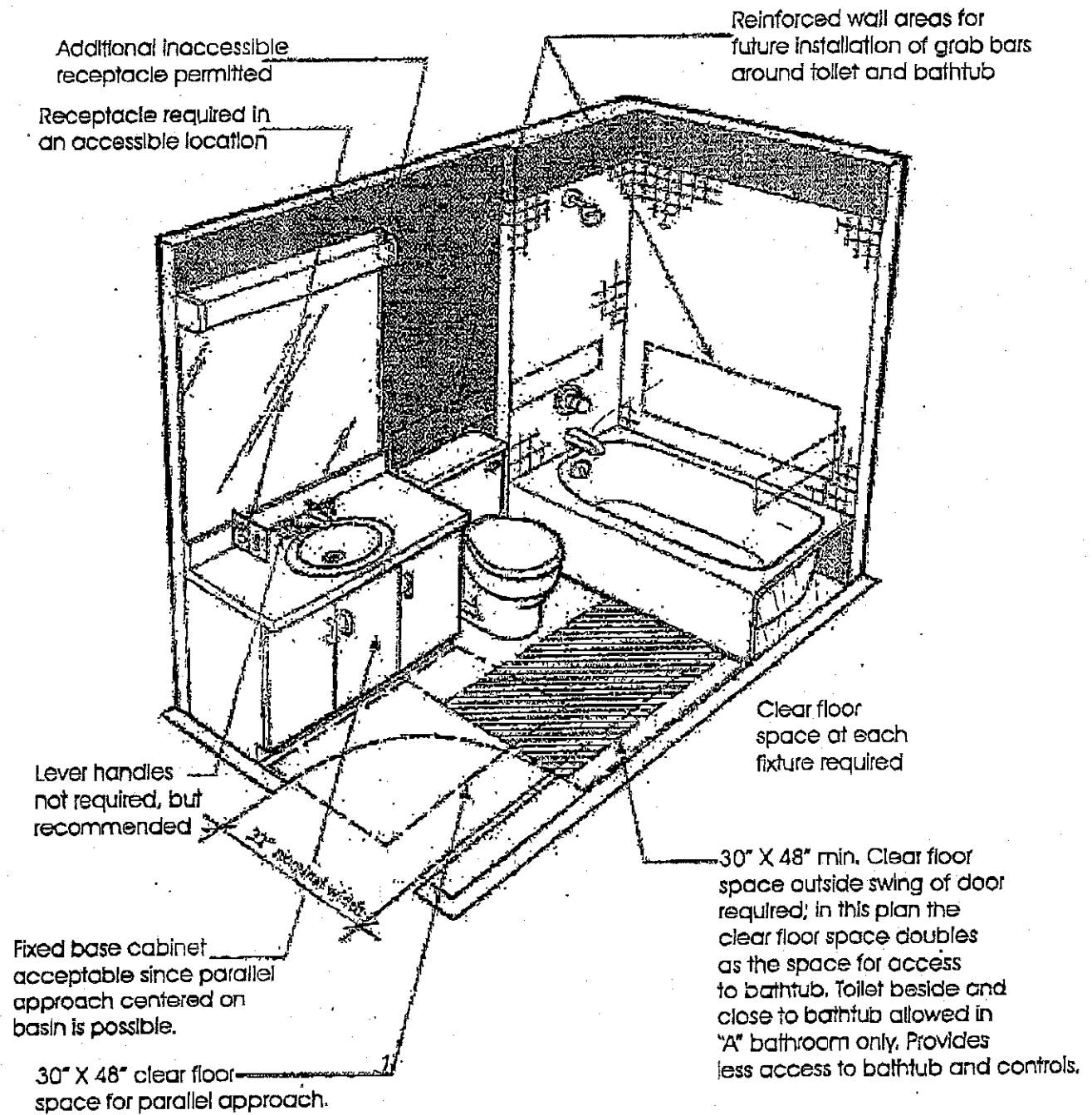
Answer: Cost was approx \$3000 - \$4000<sup>00</sup>

12. Explain your reasons of compelling need for an exception from providing an accessible entrance:

Answer: We have an accessible entrance + always HAVE.

# Marguette Building Code Dept.





**Type B Dwelling Unit  
Option "A"**



13. Our records indicate that there was a 2 year temporary barrier free exception granted before. Explain the reasons why compliance is not achieved.

Answer: Compliance for a Ramp for access

& Bathrooms w/ Grab Bars have been achieved.  
We have not moved to a ~~place~~ different location  
nor have we been able to move our display  
home to a potential customer. The enormous  
cost for a commercial building for an  
office w/ 3-4 display homes is probably  
economically unachievable & not realistic for  
some time.

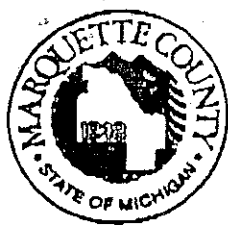
Respondent (Signature)

Before me Marcia Roberts, a Notary Public in and for Marquette  
County, State of Michigan personally appeared Robert B. Jandron, Jr. and

he/she being first duly sworn by me upon his oath says that the facts alleged in the  
foregoing instrument are true.

Marcia Roberts  
Notary Public (Signature)

My Commission Expires 5/22/12, 20 12



# County of Marquette

RESOURCE MANAGEMENT/DEVELOPMENT DEPT.

County Courthouse  
Marquette, MI 49855

Construction Codes 906/225-8180  
Planning 906/225-8182  
Facilities 906/225-8182  
FAX 906/225-8203

**Date:** April 16, 2008  
**To:** J. Andre Friedlis  
**From:** Greg Sicotte/Marquette County Building Official  
**Re:** Robert Jandron/ Docket No. 2008-206

---

After reviewing the attached information and conducting a site inspection on the structure in questions on 4-9-08 discrepancies of the items listed were found:

3. The building in question was and is currently occupied as an office for Mr. Jandron's business.
8. The main entry door is 36 inches not 38 inches as indicated. The door and entry does meet B.F. requirements.

See the attached drawing that was done during the site inspection. The actual dimensions of the existing bathroom are not consistent with the information that was submitted for type B dwelling units.



STATE OF MICHIGAN

JENNIFER M. GRANHOLM  
GOVERNOR

STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

PETER L. PLUMMER  
EXECUTIVE DIRECTOR

March 26, 2008

Steven Lindberg  
State Representative  
109<sup>th</sup> District  
State Capitol  
PO Box 30014  
Lansing, Mi 48909-7514

RECEIVED

MAR 27 2008

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

Dear Representative Lindberg:

Your March 14, 2008 letter in support of Mr. Jandron's barrier free exception is acknowledged.

On March 4, 2008 a list of questions was sent to Mr. Jandron by the Department's Plan Review Division. This process is in place to save an Upper Peninsula applicant from coming to a Lansing hearing.

I am waiting for Mr. Jandron's answers before preparing my recommendation to the Barrier Free Design Board.

Sincerely,

  
J. Andre Friedlis  
Administrative Law Judge

JAF/llb

cc: Robert Jandron  
Plan Review Division  
Building Official



THE SENATE  
STATE OF MICHIGAN

MAR 20 2008  
BUREAU OF CONSTRUCTION ORDER  
PLANNING DIVISION

COMMITTEES:  
FINANCE (MVC)  
ENERGY POLICY  
JUDICIARY  
NATURAL RESOURCES AND  
ENVIRONMENTAL AFFAIRS

MICHAEL PRUSI  
38TH DISTRICT  
P.O. BOX 30036  
LANSING, MICHIGAN 48909-7536  
PHONE: (517) 373-7840  
FAX: (517) 373-3932  
senmprusi@senate.michigan.gov

February 20, 2008

Honorable Judge J. Andre Friedlis  
C/o State Office of Administration Hearings and Rules  
P.O. Box 30695  
Lansing, MI 48909

Dear Honorable Judge Friedlis,

Please consider this my formal request to grant Mr. Robert Jandron an extension for his barrier free exception or a permanent exception. I believe Mr. Jandron's circumstances need to be given due consideration during these harsh economic times.

First and foremost, I believe the uncertainty of the future use of the property where Mr. Jandron's modular homes are displayed plays a key role in a need for a continuation. Currently, Mr. Jandron's model home units are stationed on property that has been a product of great speculation. For years, it has been assumed a local Native American tribe would purchase the property to expand a casino onto it. I believe to ask Mr. Jandron to pay for a permanent office near his display location is unreasonable because he would be forced to incur a substantial financial blow for which he will not reap the long-term benefits. If the Native American tribe decides to bid on the property the day after Mr. Jandron complies with state barrier free regulations, he would have spent thousands of dollars respecting legalities for which would count as a net loss for his business.

I believe the financial obligations the state is requiring Mr. Jandron to fulfill are excessive. In order to satisfy the state, Mr. Jandron would have to build an office near his display site, even though he already pays to maintain an office downtown Negaunee, which does comply with state barrier free regulations. His other option is to purchase a handicap model home, which he currently has no demand for. To purchase a handicap accessible modular home, Mr. Jandron would have to fork over at least \$90,000. This is quite a large sum of money when you consider over the last 2 years Mr. Jandron has only sold 3 homes total.

Mr. Jandron has made a valiant effort to comply with this regulation, even though he is at a disadvantage. He has complied with building permit regulations. He has held all the appropriate inspections of his plumbing and electrical outlets. He had an architectural drawing of a handicap ramp drafted, installed, and inspected. Additionally, he has already paid for and secured a previous barrier free exemption.

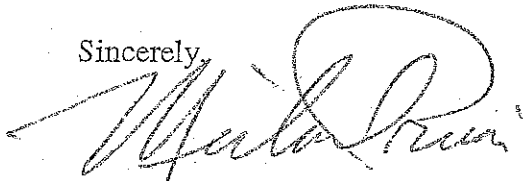
Honorable Judge Friedlis

February 20, 2008

Page 2

Thank you for your time and consideration. If you have any questions regarding Mr. Jandron's need for an extension of his barrier free exception, please do not hesitate to contact my office directly ((517) 373-7840).

Sincerely,



MICHAEL A. PRUSI

State Senator

38<sup>th</sup> District

Cc: ✓ Mr. Robert Jandron  
✓ Mr. Irvin Poke, State of Michigan BCC Plan Review Division  
Mr. Gregory D. Sicotte, Marquette County Building Code Department



**Jandron Custom Home Builders LLC**  
400 Iron St.  
Negaunee Mi. 49866  
(906)475-5647  
fax(906) 475-6147  
cell (906)458-1482

Hi! My name is Robert Jandron DBA Jandron Custom Home Builders LLC. I'm located in Negaunee in Michigan's Upper Peninsula. A lifelong resident of Michigan and a dominated mining area for years. I grew up always wanting more for myself and the area to have options for other opportunities to work other than a mining job.

In 2001 I started my own business beginning in my basement of my home, this worked out well for a short time as my six children were younger at that time, and then a opportunity presented itself with a very affordable building located in downtown Negaunee, a place to operate and get noticed. This building gave me a start to also to get my new found flag ship product, this product is a MICHIGAN made product out of Bay City, a great product with a great reputation. 90% of my competition are a WISCONSIN or other state made products brought across the state lines and sold here in Michigan. This office located at 400 Iron Street in Negaunee still serves me as this is were I receive all my Fax's, E-mails, and design our custom home plans requested by our potential customers.

In 2004 another opportunity arose for my business, a chance to be on the busiest highway in the Midwest U.S. 41. The U.S. 41 corridor gives us the opportunity to now show off our model home product as a display village. Displays of homes they could purchase and or use for a visualization to help in there designing process of there custom built home. This piece of property is not owned by me or my business, this property has been offered to me for only a temporary place to call home, as this location is projected to be the future home of the biggest casino in the U.P. or for that matter the state of Michigan, so my stay here at this location to say the least is very questionable and must be ready to move at a short notice.

When I opened up for business we brought in 4 models to display, an excellent show case of our product to be seen by the passers by on the highway as well as a potential customer.

I guess its time to get to some facts of why I'm telling you the history of Jandron Custom Homes. I'm not a big thing or place but I do EMPLOYEE a few and these few rely on the business to flourish. We brought in these models to be able to market and place on someone's property as well as to show what our model home products look like, and the quality of these homes. Shortly after we set up these model homes I was visited by our local building code officials. As I indicated above I have my office in Negaunee. The model village is just that models of homes, to be able to show as an open house type venue. It was the local officials that indicated that they were proceeding with the idea and the fact that they believed these to be an office as well and that Jandron custom homes was to comply with the codes. At that time we did jump through the hoops in which they demanded of us. (1) Building Permit (2) Inspections of all the plumbing, electrical. (3) An architectural drawing of the handicap ramp and the inspection. (4) Pay and secure a barrier free exemption. We have secured all of the above. In 2006 I was told that I would need to go to Lansing for a hearing for the barrier free exception, which we did. I met with the judge and present was a employee if the B.C.C. Barrier free division. The judge and I discussed my situation and some facts of the ramp, home, and my temporary location. When we were finished discussing these issues the Judge ASKED me two questions (1) When do you feel you will have to move from this location. (2) When do you feel you will have an opportunity to move this model home to someone's property. I stated I really don't know but yhe casino has been kicking this idea around for some time now, so I thought it could be in a few years. As for the sale of the model: I stated I sure hope to have it gone in a few years. The judge ruled for an exception up until January 2008. The date has come upon me and the casino still has not made a move nor with the current situation of our economy in the country and or our state have I sold this model home, In fact I have only sold 3 homes in the past 2 years, I'm just barely getting by with all my overhead ,insurances, and all the miscellaneous bills that come with running a business. Now I', being told I must comply when I feel the intent of my ruling from the judge was not to close me down but to have the hopes that I could move this home and bring in a handicap home for a display/office building, once I sold this

home or was moved to a permanent setting. Neither which has happened to date. To comply for such a building would cost in the minimum range of ninety thousand dollar range(\$90,000). I have contacted Irvin Poke from the B.C.C. Barrier free exception department and he has indicated to me that there are NO continuances but I would have to resubmit another application pay another \$300 dollar fee and I'm hoping that I will not have to come to Lansing again and spend some more money on a hotel so I can defend my position for exception in front of another law judge. I just can't afford this so I'm requesting some kind of amnesty, permanent variance for model homes for display or something in that matter to help this situation as economically this will close my doors as it cost me a lot of money in which I did not have to comply .....Again amnesty or a permanent variance, or a variance friendly process for these kinds of situations as these are model homes to showcase and sell and there isn't that many handicap homes ordered through our business. As you all can see that a total compliance to this issue would cost a great deal of money and would probably put us out of business. Also the temporary use of these homes as models to show and hopefully sell to the general public is also the main idea to bring in model homes to show. The land is a leased piece of land and not owned by us so this location is only offered to us on a temporary lease as well. Please consider these facts, the economic woes that this would put upon us, even more than the economy has already done to many of us trying to make a living in this business. I have complied with a ramp to code and had both of our bathrooms equipped with grab bars to code in the Type B Dwelling Unit Option A and B as well. Building permits have been secured and licensed electricians and plumbers have done the hookups to code as well with permits pulled by those contractors.

PLEASE HELP! URGENT!!

*Robert Jandron*  
Robert Jandron 2-01-08

Robbiej45@charter.net



STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

February 11, 2008

In the matter of

Docket No. 2008-206

Jandron Custom Home Builders, LLC  
400 Iron Street  
Negaunee, MI,  
Applicant

Agency No. 76689

Agency: Bureau of Construction  
Codes

Case Type: Barrier Free Design  
Exception Request

**NOTICE OF HEARING**

You are hereby notified that a formal administrative hearing under the jurisdiction of the Barrier Free Design Act, 1966 PA 1, as amended, MCL 125.1351 et seq., has been scheduled before an Administrative Law Judge on:

**Date:** April 2, 2008

**Time:** 9:00 a.m.

**Location:** State Office of Administrative Hearings and Rules, Ottawa State Office Building,  
611 West Ottawa Street, 2nd Floor, Lansing, Michigan

**Issue:** Whether the Applicant should be granted an exception from 2003 Michigan  
Building Code, Section 1105.1, 1109.2.

The case will be conducted in accordance with procedures applicable to the trial of contested cases under the Administrative Procedures Act, 1969 PA 306, as amended, MCL 24.201 et seq.

At the discretion of the Administrative Law Judge, a prehearing conference may be held among the parties at the beginning of the hearing.

You are further notified that you may be represented by an attorney or representative; law permitting, at the hearing. You may present evidence or call witnesses. If you wish to offer any document(s) into evidence at the hearing, you must bring the document to introduce into the record, your own copy, and a copy for the opposing party. The State Office of Administrative Hearings and Rules is not responsible for photocopying your documents.

In the event that you fail to appear at the hearing as scheduled, a default judgment or decision may be entered against you pursuant to the Administrative Procedures Act.

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

In the matter of	Docket No.	2008-206
Jandron Custom Home Builders, LLC	Agency No.	76689
400 Iron Street	Agency:	Bureau of Construction
Negaunee, MI,		Codes
Applicant		
/ Case Type:		Barrier Free Design Exception Request

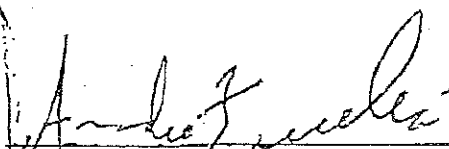
Issued and entered  
this 11th day of February, 2008  
by J. Andre Friedlis  
Administrative Law Judge

WAIVER OF APPLICANT'S RIGHT TO IN-PERSON HEARING

Applicant agrees to waive the in-person hearing provided for in MCL 125.1351 and the rules promulgated there under and allow testimony to be provided through an affidavit answering questions posed.

In the event you fail to respond to the agreed upon system of responding to questions posed through an affidavit, a default judgment or decision may be entered against you.

All responses, pleadings, motions and exhibits should be filed with the State Office of Administrative Hearings and Rules, P.O. Box 30695, Lansing, Michigan 48909, FAX (517) 335-6696.

  
J. Andre Friedlis  
Administrative Law Judge



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
LANSING

PETER L. PLUMMER  
EXECUTIVE DIRECTOR

February 11<sup>th</sup>, 2008

Mr. Robert Jandron  
Jandron Custom Home Builders  
400 Iron Street  
Negaunee, MI 49866

**STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES WAIVER INSTRUCTIONS**

The State Office of Administrative Hearings and Rules has received your exception request. It is our practice to notify Applicants who are located in the Upper Peninsula that they may choose whether to answer questions by affidavit or by attending a hearing.

If you determine that the affidavit option is preferable, please execute the attached "Waiver of Applicant's Right to In-Person Hearing" and forward the original to the State Office of Administrative Hearings and Rules within 14 days. Please also forward a copy to your local building official and the Barrier Free Design Division. If no response is received, a hearing will be held as scheduled in the enclosed Notice of Hearing.

If you choose to answer questions by affidavit in lieu of an in-person hearing, the Barrier Free Design Division of the Bureau of Construction Codes & Fire Safety will send you questions in written form that would normally have been asked during the hearing.

Within 30 days of your receipt of these questions, you must send the State Office of Administrative Hearings and Rules an affidavit responding to the questions and including any other information necessary to assist in a determination of your exception request. Again, please provide a copy of the affidavit response to the Barrier Free Design Division and the local building official.

Attachment

cc: Irvin Poke  
Department of Labor & Economic Growth  
Bureau of Construction Codes & Fire Safety  
Barrier Free Design Division

## APPLICATION FOR BUILDING PERMIT AND PLAN EXAMINATION



## County of Marquette

RESOURCE MANAGEMENT/DEVELOPMENT DEPT.

County Courthouse

Marquette, MI 49855

906/225-8180

1-800-562-9788 U.P. ONLY

WWW.CO.MARQUETTE.MI.US

 187-NI-8-06B  
 LOT 181, US 41 WEST  
 ROBERT JANDRON

 APPLICANT TO COMPLETE ALL ITEMS IN SECTION I, II, III, IV, V, VI  
 NOTE: SEPARATE APPLICATIONS MUST BE MADE TO THE APPROPRIATE DIVISION  
 FOR PLUMBING, MECHANICAL AND ELECTRICAL WORK PERMITS

187-NI-8-06B

## LOCATION OF BUILDING

ADDRESS

181 US 41 W (Old West Restaurant)

CITY

TOWNSHIP

TOWNSHIP

RANGE

SECTION

TAX CODE #

Negaunee

Negaunee

N

W

BETWEEN

AND

STREET

Corner of Airport Dr &amp; US 41

STREET

## I. IDENTIFICATION

## A. OWNER OR LESSEE

NAME

Robert B. Jandron

TELEPHONE NO.

cell 458-1482

ADDRESS

400 Iron St.

CITY

Negaunee

STATE

MI

ZIP CODE

49866

## B. ARCHITECT OR ENGINEER

NAME

Richard UREN

TELEPHONE NO.

906-475-6616

ADDRESS

420 Rail St

CITY

Negaunee

STATE

MI

ZIP CODE

49866

LICENSE NUMBER

EXPIRATION DATE

## C. CONTRACTOR

NAME

Self

TELEPHONE NO.

ADDRESS

CITY

STATE

ZIP CODE

BUILDERS' LICENSE NUMBER

EXPIRATION DATE

FEDERAL EMPLOYER ID NUMBER OR  
REASON FOR EXEMPTIONWORKERS COMP INSURANCE CARRIER OR  
REASON FOR EXEMPTIONMESC EMPLOYER NUMBER OR  
REASON FOR EXEMPTION

## II. TYPE OF IMPROVEMENT AND PLAN REVIEW

## A. TYPE OF IMPROVEMENT

RAMP

☐ NEW BUILDING☐ ALTERATION☐ DEMOLITION☐ FOUNDATION ONLY☐ PREMANUFACTURE☐ ADDITION☐ REPAIR☐ MOBILE HOME SET-UP☐ RELOCATION☐ STATE ☐ HUD

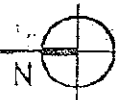
## B. REVIEW(S) TO BE PERFORMED

Please Note: Plumbing, Mechanical and Electrical need separate permits.

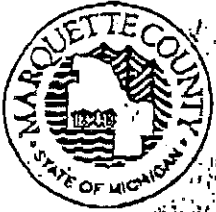
☐ BUILDING☐ PLUMBING☐ MECHANICAL☐ ELECTRICAL

ESTIMATED COST OF CONSTRUCTION \$

1300.00



## APPLICATION FOR BUILDING PERMIT AND PLAN EXAMINATION



## County of Marquette

RESOURCE MANAGEMENT/DEVELOPMENT DEPT.

County Courthouse  
Marquette, MI 49855

906/225-8180

1-800-562-9788 U.P. ONLY

WWW.CO.MARQUETTE.MI.US

187-NT-8-06B  
LOT 181, US 41 WEST  
ROBERT JANDRON

APPLICANT TO COMPLETE ALL ITEMS IN SECTION I, II, III, IV, V, VI  
 NOTE: SEPARATE APPLICATIONS MUST BE MADE TO THE APPROPRIATE DIVISION  
 FOR PLUMBING, MECHANICAL AND ELECTRICAL WORK PERMITS

187-NT-8-06B

## LOCATION OF BUILDING

ADDRESS

181 US 41 W (Cold Heart Restaurant)

CITY	TOWNSHIP	TOWNSHIP	RANGE	SECTION	TAX CODE #
Marquette	Negunee	N	W		

BETWEEN AND STREET CORNER OF AIRPORT DR & US 41 STREET

## I. IDENTIFICATION

## A. OWNER OR LESSEE

NAME Robert B Jandron cell 458-1482  
 TELEPHONE NO. 906-475-5697  
 ADDRESS 400 Iron St. CITY Negunee STATE MI ZIP CODE 49866

## B. ARCHITECT OR ENGINEER

NAME Richard UREN  
 TELEPHONE NO. 906-475-6616  
 ADDRESS 420 Rail St. CITY Negunee STATE MI ZIP CODE 49866  
 LICENSE NUMBER EXPIRATION DATE

## C. CONTRACTOR

NAME Self  
 TELEPHONE NO.  
 ADDRESS CITY STATE ZIP CODE  
 BUILDERS' LICENSE NUMBER EXPIRATION DATE

FEDERAL EMPLOYER ID NUMBER OR  
REASON FOR EXEMPTIONWORKERS COMP INSURANCE CARRIER OR  
REASON FOR EXEMPTIONFISCAL EMPLOYER NUMBER OR  
REASON FOR EXEMPTION

## II. TYPE OF IMPROVEMENT AND PLAN REVIEW

## A. TYPE OF IMPROVEMENT

NEW BUILDING ☐ ALTERATION ☐ DEMOLITION ☐ FOUNDATION ONLY ☐ PREMANUFACTURE ☐  
 ADDITION ☐ REPAIR ☐ MOBILE HOME SET-UP ☐ RELOCATION ☐ STATE ☐ HUD ☐

## B. REVIEW(S) TO BE PERFORMED

Please Note: Plumbing, Mechanical and Electrical need separate permits.

BUILDING ☐ PLUMBING ☐ MECHANICAL ☐ ELECTRICAL ☐

ESTIMATED COST OF CONSTRUCTION \$

1500.00

Mailed 5-16-06

**BUILDING PERMIT**PLEASE HAVE THIS PERMIT # AVAILABLE  
WHEN SCHEDULING INSPECTIONS**187-NT-8-06B**

Project # 1728

Area NT

Date Issued  
5/16/2006Applicant **ROBERT JANDRON**

Contractor License

Address **400 IRON STREET****NEGAUNEE MI 49866-**Number of  
Dwelling Units **0**PERMIT TO - **CONSTRUCT** **0** Story **HANDICAP RAMP**

Type of Improvement no. (Proposed Use)

Building Location **LOT 181 US 41 WEST**Directions **OLD HOSIT RESTAURANT**

Building is to be \_\_\_\_\_ FT. Wide by \_\_\_\_\_ FT. Long by \_\_\_\_\_ FT. in Height and shall conform in Construction

Type **S-B** Use Group **U** Type of Basement Walls or Foundation

Remarks

Area/Sq.Ft. **0** Estimated Cost **\$300.00**OWNER **ROBERT JANDRON**ADDRESS **400 IRON STREET****NEGAUNEE MI 49866**Permit Fee **\$70.00**Plan Review Fee **\$85.00**Airport Zoning **\$0.00**Receipt Number **1036**

INSPECTORS SIGNATURE

Plan Review #

Box:

Slot:

Building Code:

**MRC 2003**

Inspections required for all construction work:  
1. Footings/Foundation. 2. Framing prior to  
covering structural members (ready for Finish  
Covering). 3. Final inspection before  
occupancy.

Approved plans must be retained on job and this card kept  
posted until final inspection has been made. Where a  
certificate of occupancy is required, such building shall not  
be occupied until final inspection has been made.

Where applicable separate permits are required  
for Electrical, Plumbing and Mechanical  
installations.

**POST THIS CARD SO IT IS VISIBLE FROM STREET****INSPECTION RECORD**

DATE

NOTES/REMARKS

INSPECTOR

Work shall not proceed until  
the inspector has approved the  
various stages of construction.

**PERMIT WILL BECOME NULL AND VOID IF  
CONSTRUCTION WORK IS NOT STARTED WITHIN SIX  
MONTHS OF DATE THE PERMIT IS ISSUED AS NOTED  
ABOVE.**

Inspections indicated on this card  
can be arranged for by telephone or  
written notification

Building Permit #

187-NI-8-06B

## RESIDENTIAL MECHANICAL PERMIT

RESOURCE MANAGEMENT/DEVELOPMENT DEPARTMENT  
234 W. BARAGA AVE. • MARQUETTE, MICHIGAN 49855

www.co.marquette.mi.us

PHONE: (906) 225-8180 • 1-800-562-9788 U.P. ONLY

Mechanical Permit #

209-NI-4-06M

ABOVE GROUND L.P. TANK ONLY:  
Administrative Fee Paid Under Permit #

## JOB LOCATION

Name of Owner/Agent <u>Robbie Jandron</u>	Has a building permit been obtained for this project? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Not required		
Street Address & Job Location (Street No. and Name) <u>747 E. 1st St</u>	Phone	City/Village <u>Marquette</u>	Township

## CONTRACTOR/HOMEOWNER INFORMATION

<input checked="" type="checkbox"/> Contractor <input type="checkbox"/> Homeowner	Name <u>Perkins Plumbing Heating</u>	License Number <u>7112629</u>	Expiration Date <u>08/31/2007</u>
Address (Street No. and Name) <u>1207 2nd St</u>		City <u>Marquette</u>	State <u>MI</u>
Telephone Number <u>(906) 226-4650</u>	Fax Number <u>906-368-4320</u>	E-mail <u>perkinsplumbingheating.com</u>	Zip Code <u>49855</u>
Workers Compensation Insurance Carrier (or reason for exemption) <u>A.I. 2-1-1</u>	MESC Emp. # <u>1494486</u>	Fed. Emp. ID # <u>76-0754602</u>	

## TYPE OF JOB/FEE SCHEDULE

<input checked="" type="checkbox"/> Single Family	<input type="checkbox"/> New	<input type="checkbox"/> Garage	<input type="checkbox"/> Premanufactured Home Setup (State Approved)
<input type="checkbox"/> Other	<input checked="" type="checkbox"/> Alteration	<input type="checkbox"/> Replacement	<input type="checkbox"/> Manufactured Home Setup (HUD Mobile Home)

## TYPE OF EQUIPMENT

FEE	NO.	FEE	TYPE OF EQUIPMENT	FEE	NO.	FEE
SINGLE-FAMILY RESIDENCE PERMIT FEE (Additional fees required for more than one heating system) (Includes \$70 non-refundable application fee)		\$170	DUCT SYSTEM - HYDRONIC PIPING (Minor extension of existing system or zone)	\$28		
			SOLAR EQUIP. (Piping included) Each Panel	\$14	1	14
			GAS PIPING (Each New Outlet)	\$7	1	7
ITEMIZING: Application Fee \$70 (non-refundable) Plus Equipment Installed		\$70	EXHAUST FANS	Ea. \$7		
			FLUE DAMPER/VENT DAMPER	Ea. \$7		
			LPG & FUEL OIL TANKS (Piping included)	Ea. \$22		
GAS & OIL BURNING EQUIPMENT (New or Conversion)	Ea. \$39	1	CENTRAL AIR CONDITIONING UNITS AND HEAT PUMPS	Ea. \$25		
RESIDENTIAL BOILER Boiler Installer License #	Ea. \$39		INSPECTIONS: Special Inspection for other than listed, fee to be determined. Minimum	\$85		
FUEL FIRED WATER HEATERS Like Fuel Replacement New	Ea. \$7 Ea. \$24		ITEMS NOT LISTED: Air Handlers, etc.	Ea. \$16		
SOLID FUEL EQUIPMENT (Wood stoves, Fireplace, Stoves, Add on Furnaces, etc.)	Ea. \$39		CERTIFICATE OF FINAL APPROVAL	\$17		
CHIMNEYS: New with Equipment: Installed Separately	Ea. \$14 \$22		TOTAL FEE			130 <sup>00</sup>

NOTE: IF SEALED DRAWINGS ARE REQUIRED FOR THE STRUCTURE, YOU MUST ITEMIZE.

Section 23a of the state construction code act of 1972, 1972 PA 230, MCL 125.1523A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of Section 23a are subjected to civil fines.

Signature of Licensee or Homeowner (Homeowner signature indicates compliance with Section V, Homeowner Affidavit.)

X

## HOMEOWNER AFFIDAVIT

I hereby certify the mechanical work described on this permit application shall be installed by myself in my own home in which I am living or about to occupy. All work shall be installed in accordance with the Mechanical Code and shall not be enclosed, covered up, or put into operation until it has been inspected and approved by the Mechanical Inspector. I will cooperate with the Mechanical Inspector and assume the responsibility to arrange for necessary inspections.

NOTE: It is applicant's responsibility to schedule inspections when work is ready. Work shall not be covered or concealed until inspected and approved.

PERMIT APPROVED:

Inspector's Signature

Date

Rev 2-20-05



Building Permit #

**ELECTRICAL PERMIT**

Electrical Permit #

RESOURCE MANAGEMENT/DEVELOPMENT DEPARTMENT

234 W. BARAGA AVE.

MARQUETTE, MICHIGAN 49855

PHONE: (906) 225-6100 • 1-800-562-9744 U.P. ONLY

Permit #

JOB LOCATION

Name of Owner/Agent

JANDRON CUSTOM HOMES

Street Address & Job Location (Street No. and Name)  
U.S. 41 (OLD DUCK STOP CAPE)

Phone

Has a building permit been obtained for this project?

☒ Yes ☐ No ☐ Not required

Plan Review Required

Have plans been submitted? ☒ Yes ☐ No ☐ Not required

City/Village

Township

NEGAUNEE

**CONTRACTOR/HOMEOWNER INFORMATION**☐ Contractor ☐ Homeowner

Name

J&amp;N ELECTRIC

State License Number

6170041

Expiration Date

12-31-06

Address (Street No. and Name)

15805 CO. RD. 581

City

SHIPMING

State

MI

Zip Code

49849

Telephone Number

485-1704

Fax Number

485-1720

Federal Employer ID Number (or reason for exemption)

210176010

Workers Compensation Insurance Carrier (or reason for exemption)

CITY INS

MESC Employer Number (or reason for exemption)

**TYPE OF JOB**☐ Single Family☐ New☒ Service Only☐ Manufactured Home Setup (State Approved)☐ Other☐ Alteration☐ Garage☐ Manufactured Home Setup (HUD Mobile Home)**TYPE OF EQUIPMENT**

FEE

NO.

FEE

Single-Family Residence Fee	100 AMP Panel		\$150
(Includes non-refundable application fee of \$50)	Over 100 AMP to 200 AMP		\$175
Application Fee (other than Single-Family Residence) Plus	Over 200 AMP		\$215
(Application Fee non-refundable \$50)	Equipment installed		\$80
Services:			
100 AMP through 200 AMP	\$ 10 ea.		
Over 200 AMP through 600 AMP	\$ 15 ea.		
Over 600 AMP through 800 AMP	\$ 20 ea.		
Over 800 AMP	\$ 30 ea.		10.00
Circuits	\$ 6 ea.		
Lighting Fixtures or Replacement Outlets — per 25 or fraction thereof	\$ 8 ea.		
Dishwasher — Garbage Disposal — Range Hood	\$ 4 ea.		
Furnace — Unit Heater	\$ 5 ea.		
Electrical Heating Units (baseboard)	\$ 4 ea.		
Power Outlets including Ranges, Dryers, etc.	\$ 7 ea.		
Signs — per Circuit	\$ 10		
Feeder, Bus Ducts, etc. — per 50 feet or fraction thereof	\$ 8		6.00
K.V.A. and K.P. rated equipment			
Up to 20 K.V.A. or K.P.	\$ 8 ea.		
Over 20 K.V.A. or K.P.	\$ 10 ea.		
Special Inspection and Items not Specified — Fees to be determined			
	minimum \$ 75		
Fire Alarm System			
1-10 Stations, Horns & Detectors	\$ 50		
10-20 Stations, Horns & Detectors	\$100		
Over 20 Stations, Horns & Detectors	\$ 5 ea.		
	<b>TOTAL FEE</b>		<b>76.00</b>

**HOMEOWNER AFFIDAVIT**

I hereby certify the electrical work described on this permit application shall be installed by myself in my own home in which I am living or about to occupy. All work shall be installed in accordance with the State Electrical Code and shall not be enclosed, covered up, or put into operation until it has been inspected and approved by a County Electrical Inspector. I will cooperate with the County Electrical Inspector and assume the responsibility to arrange for necessary inspections.

**APPLICANT SIGNATURE**

Rev. 2/16/04

Section 23a of the State Construction Code Act of 1972, 1977 PA 230, MCL 25.1533A, prohibits a person from conspiring to circumvent the licensing requirements of this state relating to persons who are to perform work on a residential building or a residential structure. Violators of Section 23a are subject to civil fines.

Signature of Licensee or Homeowner (Homeowner signature indicates compliance with Homeowner Affidavit)

Date

8-26-04

# 6368

JT

**STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

In the matter of	Docket No.	2008-206
Jandron Custom Home Builders, LLC 400 Iron Street Nagaunee, MI, Applicant	Agency No.	76689
	Agency:	Bureau of Construction Codes
_____ /	Case Type:	Barrier Free Design Exception Request

Issued and entered  
this 20<sup>th</sup> day of February, 2008  
by J. Andre Friedlis  
Administrative Law Judge

**WAIVER OF APPLICANT'S RIGHT TO IN-PERSON HEARING**

Applicant agrees to waive the in-person hearing provided for in MCL 125.1351 and the rules promulgated there under and allow testimony to be provided through an affidavit answering questions posed.

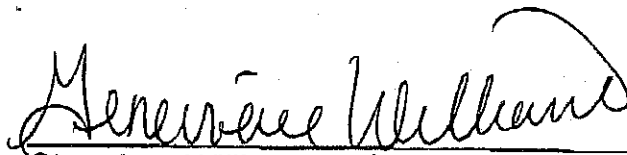
In the event you fail to respond to the agreed upon system of responding to questions posed through an affidavit, a default judgment or decision may be entered against you.

All responses, pleadings, motions and exhibits should be filed with the State Office of Administrative Hearings and Rules, P.O. Box 30695, Lansing, Michigan 48909, FAX (517) 335-6696.

\_\_\_\_\_  
Robert Jandron  
Jandron Custom Home Builders, LLC

**PROOF OF SERVICE**

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 20<sup>th</sup> day of February, 2008.



Genevieve Williams

State Office of Administrative Hearings and Rules

Gregory D Sicotte  
Marquette County  
Building Code Department  
324 West Baraga Avenue  
Marquette, MI 49855

Irvin Poke  
State of Michigan  
BCC Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

Robert Jandron  
Jandron Custom Home Builders  
400 Iron Street  
Negaunee, MI 49866

**TAX STATEMENT**

52-53-010-023-00

PAYABLE BEGINNING: December 1, 2007



**FROM**  
CITY OF NEGAUNEE  
TREASURER'S OFFICE  
PO BOX 70  
NEGAUNEE MI 49866

PROP ADDR: 400 IRON ST

MAKE CHECK PAYABLE TO:  
CITY OF NEGAUNEE TREASURER

**TO**  
JANDRON CUSTOM HOME BUILDERS  
400 IRON ST  
NEGAUNEE MI 49866

PLEASE MAIL PAYMENT TO:  
CITY OF NEGAUNEE  
TREASURER'S OFFICE  
PO BOX 70  
NEGAUNEE MI 49866

PROPERTY NUMBER	SCHOOL DISTRICT	EQUALIZED VALUE	TAXABLE VALUE	TOTAL TAX DUE
52-53-010-023-00	52090	10,600	9,665	215.21

↑ PLEASE DETACH HERE AND RETURN TOP PORTION OF THE STATEMENT IN ENCLOSED ENVELOPE ↑

PROPERTY NUMBER	SCHOOL DISTRICT	PROPERTY CLASS	EQUALIZED VALUE	TAXABLE VALUE
52-53-010-023-00	52090	201	10,600	9,665

**OWNER NAME AND ADDRESS****PROPERTY DESCRIPTION**

JANDRON CUSTOM HOME BUILDERS  
400 IRON ST  
NEGAUNEE, MI 49866

LOT 24 AND THE E 2 & 5/6 FT OF LOT 25 OF  
IRON PLAT

**FISCAL YEARS**

SCHOOLS: 07/01/2007 - 06/30/2008

CITY: 01/01/2008 - 12/31/2008

COUNTY: 01/01/2008 - 12/31/2008

**ITEMIZED BILLING INFORMATION****SPECIAL COMMENTS**

MILLAGE DESCRIPTION	MILLAGE RATES	AMOUNT
REG OPERATING	18.9296	182.95
REG PARKS/REC	0.9248	8.93
COUNTY TRANSIT	0.5799	5.60
COUNTY AGING	0.4426	4.27
COUNTY M.O.E.	0.5317	5.13
COUNTY DISPATCH	0.4917	4.75
COUNTY RESCUE	0.1508	1.45

TAX AND 1% ADMINISTRATION FEE  
PAYABLE BEGINNING DEC 1, 2007. TO  
AVOID PENALTIES REMIT PAYMENT ON OR  
BEFORE FEB 14, 2008. PLEASE  
CONTACT THE TREASURER FOR CORRECT  
TOTAL DUE. A 3% LATE FEE MUST BE  
ADDED TO TAXES PAID TO THE CITY  
AFTER FEB 14, 2008. ON MONDAY MAR  
3, 2008 UNPAID TAXES ARE TURNED  
OVER TO THE COUNTY.

**SUBTOTAL** → 213.08

ADMIN FEE 2.13

**PLEASE PAY THIS AMOUNT** → 215.21**ASSESSED VALUE** 10,600**PRINCIPAL RESIDENCE  
EXEMPTION %** 0**PENALTY / INTEREST****TOTAL TAX & PENALTY**

Print Date: 02/04/2008

2007

Recpt Date: 09/14/2007

Official Summary Tax Receipt  
CITY OF NEGAUNEE TREASURER

Recpt No: 00003766

CITY OF NEGAUNEE TREASURER  
TREASURER'S OFFICE  
PO BOX 70  
NEGAUNEE MI 49866

Parcel Number: 52-53-010-023-00  
SCHOOL.....: 52090

P.R.E.: 0.0000%  
TAXABLE: 9,665  
SEV : 10,600

Received of:  
JANDRON CUSTOM HOMES  
400 IRON ST  
NEGAUNEE MI 49866

-----LEGAL DESCRIPTION-----  
LOT 24 AND THE E 2 & 5/6 FT OF LOT 25  
OF IRON PLAT

Property Address:  
400 IRON ST  
NEGAUNEE MI 49866

	Current Taxes	Previous Payments Date	Amount	Current Payment Date	Amount
tax	342.51			09/14/2007	345.93
Admin Fee	3.42				
Pen/Interest	0.00				
Total Tax	345.93				
Total Received	345.93				
Balance Due	0.00				

To: JANDRON CUSTOM HOME BUILDERS  
400 IRON ST  
NEGAUNEE MI 49866

**LAFORCE** Inc.*"The REPUTATION you can build on"*

1060 W. Mason Street, Green Bay, WI 54303

P.O. Box 10068, Green Bay, WI 54307

Questions: (920) 497-7100

1-800-286-8858

1-800-672-6795 Auto Attendant

**QUOTE**

WEEK NO.	1
SALES PERSON	PATRICIA ERDMANN
QUOTED NO.	8-5907 SQ
QUOTE DATE	03/31/06
PROFORMA NO.	62896
SHIPPED BY	
TAKEN BY	PAE

LAFORCE ESTIMATING  
LAKE STREET OFFICES  
PO BOX 10068  
GREEN BAY WI 54307

LAFORCE ESTIMATING  
LAKE STREET OFFICES  
PO BOX 10068  
GREEN BAY WI 54307

**Attention: ROBBIE****We are pleased to quote for the supply of the following material.**

LINE NO.	QUANTITY	STOCK NO.	DESCRIPTION	UNIT PRICE	EXTENDED PRICE
1.000		JOB	RUBBER RAMP		
2.000		CONTACT	ROBBIE 906 475 6377 FAX 906 475 6147		
3.000	1	NHDW	NGP RR42 3' X 12" RUBBER RAMP		
4.000	1	NHDW	NGP 955 3' ALUMINUM EXTENDER PIECE TO BRING RAMP TO 1 1/4"		
5.000	1	FRT	SHIPPING & HANDLING		
<p>NOTE: THE RR12 HAS BEEN DISCONTINUED. THE RR12 HAD A HEIGHT OF 1 1/4". THE REPLACEMENT RR42 ONLY HAS A HEIGHT OF 1". IN ORDER TO BRING THE RAMP TO 1 1/4" WE WOULD NEED TO USE THE 955 WHICH WILL ADD 3" IN DEPTH TO THE RAMP FOR AND OVERALL DEPTH OF 15"</p> <p>THE UNIT PRICE FOR A TUBE OF RR5007BL ADHESIVE IS \$17.00 EA</p>					

Stock materials are subject to a 25% restocking fee. Special order materials are not returnable. NO returns after 90 days.

ROUTE: Direct Ship Vendor to Customer	Rel Order:	This quote is valid for 30 days.	SUBTOTAL	152.80
ACCEPTED BY		Sincerely,	SALES TAX	8.40
Company _____	Date _____	PATRICIA ERDMANN	TOTAL	161.20
Signature _____			TERMS NET 30	

**CUSTOMER QUOTE**


**National Guard Products, Inc.**

PROTECTION, INSIDE OUT

Toll Free Phone 1-800-647-7874

Toll Free Fax 1-800-255-7874

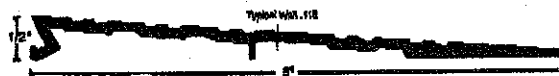
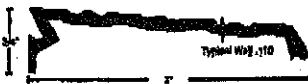
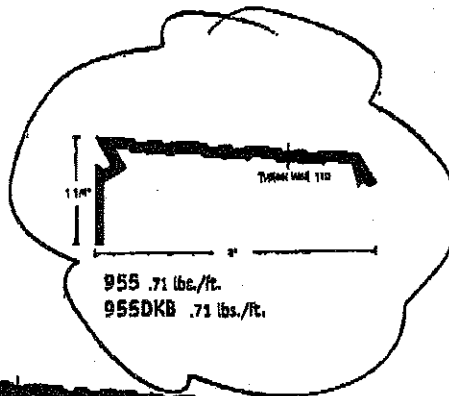
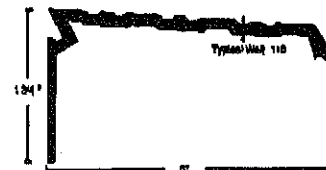
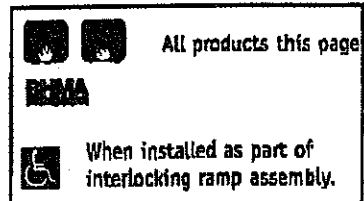
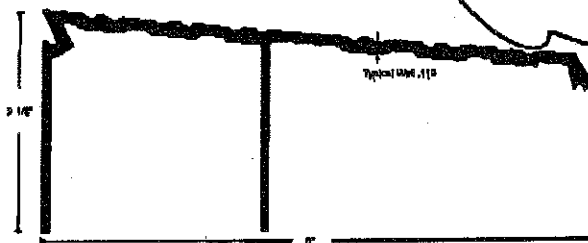
Interlocking Ramp Components

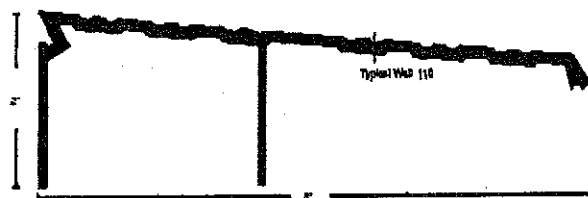
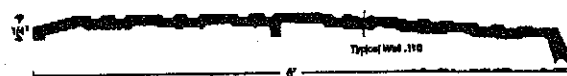
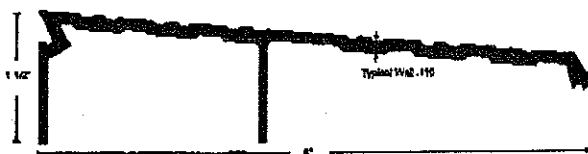
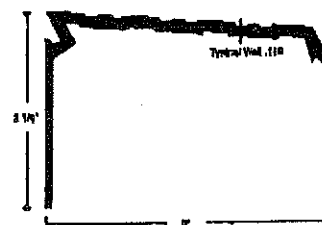
**Ramps Required for Compliance with either**

- \* Americans with Disabilities Act Accessibility Guidelines (ADAAG) - 1998
- \* ICC/ANSI A117.1-1998 Accessible and Usable Buildings or Facilities

**Requires:**

- \* Maximum Threshold Height = 1/2"
- \* Thresholds above 1/4" must be beveled with a slope no greater than 1:2
- \* Height changes over 1/2" requires use of a ramp with slope not steeper than 1:12
- \* The rise for any ramp run shall be 30 inches maximum


 R50 .94 lbs./ft.  
 R50DKB .94 lbs./ft.

 953 .69 lbs./ft.  
 953DKB .69 lbs./ft.

 955 .71 lbs./ft.  
 955DKB .71 lbs./ft.

 951 .71 lbs./ft.  
 951DKB .71 lbs./ft.

 960 1.76 lbs./ft.  
 960DKB 1.76 lbs./ft.

 954 1.12 lbs./ft.  
 954DKB 1.12 lbs./ft.

 961 lbs./ft.  
 961DKB lbs./ft.

 957 .93 lbs./ft.  
 957DKB .93 lbs./ft.

 962 lbs./ft.  
 962DKB lbs./ft.

 959 .79 lbs./ft.  
 959DKB .79 lbs./ft.

## Utility Billing - Account History (Summary)

Input Location ID: IRON-000400-0000-02

Customer Name: JANDRON CUSTOM HOMES

Account Number: 011641

Service Address: 400 IRON ST

Cycle / Section: 01 01

Read Sequence #: 0000001641

Account Status: 0

Outstanding Balance Due: \$65.58

Record #	Entry	Posting	T	Note	Mtr #	Meter Reading	Multiplied Usage	Amount	New Balance
964202	20080117	20080117	B	January 2008 1st Billin	1			65.58	\$65.58
964203	20080117	20080117	R	Wrapup Transfer	1			0.00	\$65.58
962299	20080114	20080103	U	Itron Import - R3	1	134	0	0.00	
962300	20080114	20080103	U	Itron Import - R1	2	743	234	0.00	
955694	20071227	20071227	R	Batch Receipts	1			132.14	\$0.00
951203	20071219	20071214	R	Wrapup Transfer	1			0.00	\$132.14
951202	20071219	20071214	B	December 2007 1st bill	1			66.24	\$132.14
950828	20071219	20071219	P	Penalty	1			0.87	\$65.90
949278	20071213	20071203	U	Itron Import - R2	1	134	0	0.00	
949279	20071213	20071130	U	Itron Import - R9	2	509	225	0.00	
941327	20071116	20071115	B	November 07 1st billing	1			65.03	\$65.03



RECEIVED

FEB 06 2008

Application for Barrier Free Design Rule Exception  
Michigan Department of Labor & Economic Growth  
Bureau of Construction Codes / Plan Review Division  
P.O. Box 30255, Lansing, MI 48909  
517-241-9328  
www.michigan.gov/bcc

133

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

Agency Use Only

76689

Application Fee: \$300.00

Authority: 1966 PA 1  
Completion: Mandatory  
Penalty: Exception will not be granted

The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.

The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990, 42 U.S.C. 12204.

Tran Info: 133 13623770-1 02/06/08

Chk#: 2864 Amt: \$300.00

ID: JANDRON CUSTOM HOME BUILDERS LLC

Note: The applicant is responsible for all fees applicable to this application.

<b>FACILITY INFORMATION</b>			
FACILITY NAME Jandron Custum Home Builders LLC		STREET / SITE ADDRESS 400 Iron St / 181 U.S. 41	
NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township Of: Negaunee		COUNTY Marquette	
Estimated Project Cost \$		Estimated Cost of Compliance \$ 80,000.00	
<b>BUILDING PERMIT</b> (To be completed by the administrative authority responsible for issuing the building permit for this project)			
<input checked="" type="checkbox"/> New Building <input type="checkbox"/> Alteration <input type="checkbox"/> Change of Use		Building Permit / File Number P187-NT-8-06	
Is a Temporary Exception Requested? <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes		PERIOD OF TIME REQUESTED? sold @or moved	USE GROUP Modular
CONSTRUCTION TYPE			
Project Does Not Comply With Barrier Free Design Requirements As Follows: Michigan Building Code Section(s) 1105, AND 1109.2 See Attached for more..... See File @ BCC Plan Reviw DEvision / Same Reasoning Reason for Non-Compliance These are model homes for sale as discussed at my hearing my office is located in the city @ 400 Iron st. The homes are models to sell and as things are in Michigan I'm lucky to be open. I have not been able to move this home/. Nor has the casino project come to attichion.			
NAME Gregg Sicotte		ENFORCING AGENCY Marquette Building Code Dept.	
ADDRESS 324 W Baraga Ave.		CITY Marquette	TELEPHONE NUMBER (Include Area Code) (906) 225-8186
BUILDING OFFICIAL SIGNATURE (Must be an original signature) <i>Gregg Sicotte</i> 2-4-08		ZIP CODE 49855	FAX NUMBER (Include Area Code) (906) 225-8203
<b>PROJECT ARCHITECT / ENGINEER</b> (When professional services are required by code or law)			
NAME .Kevin Light / Richard LAREN		FIRM NAME General Housing Corp. / Northern Design Works	
ADDRESS 4650 E Wilder Rd.		CITY Bay City	TELEPHONE NUMBER (Include Area Code) (989) 684-8078
MICHIGAN LICENSE NUMBER 2102062184 / 45270		STATE MI.	ZIP CODE 48706
<b>APPLICANT</b> (Note: All correspondence will be sent to this address)			
NAME OF APPLICANT/APPLICANT'S REPRESENTATIVE Robert Jandron		COMPANY NAME Jandron Custom Home Builder LLC	
ADDRESS 400 Iron St.		CITY Negaunee	TELEPHONE NUMBER (Include Area Code) (906) 458-1482
STATE MI.		ZIP CODE 49866	FAX NUMBER (Include Area Code) (906) 475-6147
I certify the proposed work is authorized by the owner of record. I agree to conform to all applicable laws of the State of Michigan and all information submitted is accurate to the best of my knowledge.			
APPLICANT SIGNATURE (Must be an original signature) <i>Robert Jandron</i>		DATE 2-4-08	

STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES

In the matter of	Docket No.	2008-369
Detroit Metropolitan Wayne County Airport 1100 Middlebelt Romulus, MI	Agency No.	77090
	Agency:	Bureau of Construction Codes
_____ /	Case Type:	Barrier Free Design Exception Request

5. EXCEPTION APPLICATIONS  
07. 77090

RECEIVED

APR 16 2008

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

Issued and entered  
this 15<sup>th</sup> day of April, 2008  
by J. Andre Friedlis  
Administrative Law Judge

REPORT OF THE ADMINISTRATIVE LAW JUDGE

PROCEDURAL HISTORY

This is a proceeding held pursuant to the authority granted in Section 5 of 1966 PA 1, as amended, MCL 125.1351 *et seq*; 1972 PA 230, as amended MCL 125.1501 *et seq*; and 1969 PA 306, as amended, MCL 24.101 *et seq*.

The purpose of this review is to examine an application for exception from requirements contained in the Barrier Free Design Rules of the State Construction Code. A hearing was held in Lansing Michigan on April 7, 2008. Present were Larry Johnson, Architect, and Tom McCarthy, Department Director of the North Terminal Project on behalf of the Applicant and Usha Menon of the Plan Review Division, on behalf of the Plan Review Division.

## **ISSUE**

Should the Applicant be granted an exception from Section 1109.2 of the 2003 Michigan Building Code?

## **FINDINGS OF FACT**

The Applicant is in the process of building a new terminal for international arrivals. This is expected to cost 426 million dollars. As part of this construction, three bathrooms will be built in the in bound holding area. One will be for men, one for women, and one for children.

The Applicant requests permission not to place grab bars in these facilities for fear that they could be removed from the wall and used as a weapon against customs agents or border patrol officers. Only inbound passengers waiting for permission to enter the country or those being sent back will use these facilities. In the event a wheel chair user needs a facility with grab bars, an agent would escort that person to a fully compliant facility within 50 feet of the three bathrooms described above.

## **CONCLUSIONS OF LAW**

Act 1 of the Public Acts of 1966, as amended, states that the barrier free design requirements were created "to provide for the accessibility and utilization by physically limited persons of public facilities and facilities used by the public." The Barrier Free Design Board is authorized by the Act to grant or deny requests for exceptions to any or all of the barrier free design requirements for a stated time period and upon stated conditions, and require alternatives when exceptions are granted.

An exception request is granted only when the Applicant demonstrates compelling need. The Applicant has the ultimate burden of proving that an exception

should be granted. An exception is a special license to deviate from rules that have uniform applicability to all facilities. Compelling need may be present if the literal application of a specific barrier free design requirement would result in exceptional, practical difficulty to the Applicant or where compliance would not be economically, technologically, structurally, or administratively feasible.

**Section 1109.2 of the 2003 Michigan Building Code provides:**

**1109.2 Toilet and bathing facilities.** Toilet rooms and bathing facilities shall be accessible. Where a floor level is not required to be connected by an accessible route, the only toilet rooms or bathing facilities provided within the facility shall not be located on the inaccessible floor. At least 1 of each type of fixture, element, control, or dispenser in each accessible toilet room and bathing facility shall be accessible. (Exceptions omitted.)

Compelling need based on need to protect customs agents and border patrol officers has been presented to justify the requested exception. This is no different from similar requests regarding prisons. A grab bar can be removed from the wall and used as a weapon. Since the holding area will house only those waiting for permission to enter the country or those being sent back, it makes sense to remove the grab bars. As noted above, a wheel chair user needing a facility with grab bars will be escorted to a compliant bathroom 50 feet distant.

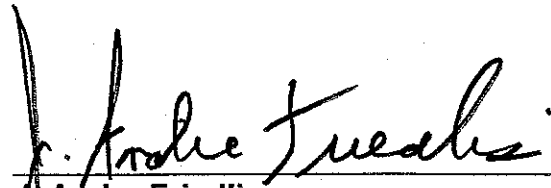
**RECOMMENDED DECISION**

I recommend the Board grant the Applicant an exception from Section 1109.2 of the 2003 Michigan Building Code.

As a condition to granting this exception, the Board's Final Order, issued after review of this recommendation, shall be displayed in a conspicuous public location of the

building.

A party may file comments, clarifications or objections to this Report, including written arguments, with the Bureau of Construction Codes, P.O. Box 30254, Lansing, Michigan 48909, Attention: Irvin Poke.



J. Andre Friedlis  
Administrative Law Judge

**PROOF OF SERVICE**

I hereby state, to the best of my knowledge, information and belief, that a copy of the foregoing document was served upon all parties and/or attorneys of record in this matter by Inter-Departmental mail to those parties employed by the State of Michigan and by UPS/Next Day Air, facsimile, and/or by mailing same to them via first class mail and/or certified mail, return receipt requested, at their respective addresses as disclosed by the file on the 15th day of April, 2008.



Genevieve Williams

State Office of Administrative Hearings and Rules

Irvin Poke  
State of Michigan  
BCC Plan Review Division  
2501 Woodlake Circle  
Okemos, MI 48864

James A. Wegienka  
City of Romulus Building Department  
11111 Wayne Road  
Romulus, MI 48174

Tom McCarthy  
Wayne County Airport Authority  
Detroit Metro Wayne County Airport  
North Terminal Redevelopment  
Berry Terminal Lobby  
Detroit, MI 48242

DETROIT METRO • WILLOW RUN

WAYNE COUNTY AIRPORT AUTHORITY

North Terminal Redevelopment Project  
Office

Berry International Terminal – Lower Level  
Detroit, MI 48242

ph 734 955-8880

fax 734 955-8888

[www.metroairport.com](http://www.metroairport.com)

MAR 10 2006

BUREAU OF CONSTRUCTION CODES  
PLAN REVIEW DIVISION

# Transmittal

Date: March 6, 2008

To: Michigan Department of Labor &  
Economic Growth

Bureau of Construction Codes

P.O. Box 30254

Lansing, MI 48909

Attn: Plan Review Division

From: Tom McCarthy  
Deputy Director

Re: **Project No: 77090-Wayne**

[illegible]

Notes: CC: Document Controls

# Application for Barrier Free Design Rule Exception

133

Michigan Department of Labor & Economic Growth

Bureau of Construction Codes / Plan Review I

P.O. Box 30255, Lansing, MI 48909

517-241-9328

www.michigan.gov/bcc

77090

Application Fee: \$300.00

Authority: 1966 PA 1	The Department of Labor and Economic Growth will not discriminate against any individual or group because of race, sex, religion, age, national origin, color, marital status, disability, or political beliefs. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you may make your needs known to this agency.
Completion: Mandatory	
Penalty: Exception will not be granted	

The Barrier Free Design Board has no authority over the federal standards contained in the Americans with Disabilities Act of 1990, 42 U.S.C. 12204.

Note: The applicant is responsible for all fees applicable to this application.

11000 Middlebelt  
Romulus, MI 48174

FACILITY INFORMATION				
FACILITY NAME Detroit Metropolitan Wayne County Airport, North Terminal		STREET / SITE ADDRESS BLDG 601 <del>DETROIT, MI 48242</del>		
NAME OF CITY, VILLAGE OR TOWNSHIP IN WHICH FACILITY IS LOCATED <input checked="" type="checkbox"/> City <input type="checkbox"/> Village <input type="checkbox"/> Township Of: Detroit		COUNTY Wayne		
Estimated Project Cost \$		Estimated Cost of Compliance \$		
BUILDING PERMIT (To be completed by the administrative authority responsible for issuing the building permit for this project)				
<input checked="" type="checkbox"/> New Building; <input type="checkbox"/> Alteration <input type="checkbox"/> Change of Use		Building Permit / File Number		
Is a Temporary Exception Requested? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes		PERIOD OF TIME REQUESTED?	USE GROUP Trans Info: 133	CONSTRUCTION TYPE 13678929-1 02/19/08
Project Does Not Comply With Barrier Free Design Requirements As Follows: Michigan Building Code Section(s) American National Standard ICC/ANSI A117.1-1998 Section 609 - Grab Bars; Subsection 609.1 General Reason for Non-Compliance Request to remove grab bars from Customs Border Protection Detention Holdrooms to prevent detainees from using grab bar as weapon.				
NAME James A. Wegienka		ENFORCING AGENCY CITY OF ROMULUS BLDG DEPT		TELEPHONE NUMBER (include Area Code) 734 942-7550
ADDRESS 11111 WAYNE ROAD		CITY ROMULUS	ZIP CODE 48174	FAX NUMBER (include Area Code) 734 941-5799
BUILDING OFFICIAL SIGNATURE (Must be an original signature) <i>James A. Wegienka</i>				
PROJECT ARCHITECT / ENGINEER (When professional services are required by code or law)				
NAME William J. Hartman		MICHIGAN LICENSE NUMBER 1301031090		FIRM NAME Gensler
ADDRESS One Woodward Ave, Ste. 601	CITY Detroit	STATE MI	ZIP CODE 48226	TELEPHONE NUMBER (include Area Code) (313) 965-1600
APPLICANT (Note: All correspondence will be sent to this address)				
NAME OF APPLICANT/APPLICANT'S REPRESENTATIVE Tom McCarthy		COMPANY NAME WAYNE COUNTY AIRPORT AUTH		SOCIAL SECURITY NUMBER* OR FEIN (REQUIRED)
ADDRESS NORTH TERMINAL REDEVELOP BERRY TERMINAL- LOBBY	CITY DETROIT	STATE MI	ZIP CODE 48242	TELEPHONE NUMBER (include Area Code) 734 955-8882
I certify the proposed work is authorized by the owner of record. I agree to conform to all applicable laws of the State of Michigan and all information submitted is accurate to the best of my knowledge.				FAX NUMBER (include Area Code) 734 955-8888
APPLICANT SIGNATURE (Must be an original signature) <i>Tom McCarthy</i>			DATE FEBRUARY 4, 2008	